

Fair Share Housing Center

510 Park Boulevard
Cherry Hill, New Jersey 08002
P: 856-665-5444
F: 856-663-8182

Attorneys for Fair Share Housing Center

By: Laura S. Smith-Denker, Esq. (Attorney ID: 030572007)
lauradenker@fairsharehousing.org

**In the Matter of the
Application of the Township of
Delran, County of Burlington.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Burlington
County
Docket No. BUR-L-229-25

**CIVIL ACTION
(Mount Laurel)**

**Consent Order Final Compliance
Certification (N.J.S.A.
52:27D-304(q))**

THIS MATTER having come before the Court via the joint request of the Township via counsel Justin M. Strausser, Esq. (of The Platt Law Group P.C.), via counsel Laura S. Smith-Denker, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Township of Delran (the "Township" or "Delran") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 29, 2025; and

WHEREAS, the above-named parties having previously presented a consent order to the Court which was entered on

February 13, 2026, and which consent order is incorporated herein by reference; and

WHEREAS, the Township having filed its Housing Element and Fair Share Plan ("HEFSP") on June 9, 2025 and implementing ordinances and resolutions on March 12, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the Township's filing in accordance with the parties' consent order and confirmed that the Township has partially complied with all terms outlined in the consent order; and

WHEREAS, no other interested-party filed a challenge or any other communication; and

WHEREAS, the Court having reviewed the Township's HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the Court's prior order(s) and determined that they meet the "objective standard" and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in this order are met; and

WHEREAS, the Court incorporates the Court's prior orders and for good cause shown:

IT IS on this 29th day of April, 2026, **ORDERED** as follows:

1. The Township's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions,

collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-9 (inclusive) and herein as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.

2. Subject to the satisfaction of the Conditions of this Order and the deadlines established therein, the Township of Delran's Fourth Round Fair Share Plan (Exhibit P-1) is hereby approved and deemed to meet the "objective standard" pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with the Fair Housing Act and the Mount Laurel doctrine and the Township is granted a Compliance Certification as to its Rehabilitation Obligation ("Present Need"), its Prior Round Obligation (1987-1999), its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025), and its Fourth Round obligation pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) ("UHAC"), applicable Council on Affordable Housing (hereinafter "COAH") substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court's Mount Laurel IV decision.
3. The Township's Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and

ending on June 30, 2035, and during this ten (10) year period the Township shall have repose from exclusionary zoning litigation, including, but not limited to, Builder's Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. The Township's Compliance Certification shall remain subject, however, to revocation or other Order of the Court that does or may hereafter issue, on notice of motion to the Township and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle.

4. As per the Township's HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 40, the Township's Prior Round Obligation (1987-1999) is 208, the Township's Third Round Obligation (1999-2025) is 365, and the Township's Fourth Round Prospective Need (2025-2035) is 96 units.
5. The Township will address its Present Need via continued participation in Burlington County's owner-occupied rehabilitation program and implementation of municipal-operated rehabilitation program.
6. The Township's Prior Round Obligation is 208 and has been met with the following mechanisms:

Prior Round Compliance Mechanisms

Project	Type	Credits	Bonus	Total
RCA Burlington City	RCA	43	0	43
Summerhill	Family Sale	69	0	69
Atlantic Delta	Family Rental	5	5	10
Kelsch Associates	Special Needs	5	5	5
Durand Academy	Special Needs	5	5	5
Community Options	Special Needs	6	6	6
Oaks Integrated Care	Special Needs	5	5	5
SERV Properties	Special Needs	5	5	5
Community Options	Special Needs	3	3	3
Garden Club Group Home	Special Needs	4	4	4
Oaks Integrated Care	Special Needs	3	3	3
Oaks Integrated Care	Special Needs	3	3	3
Garden Club Group Home	Special Needs	3	3	3
Garden Club Group Home	Special Needs	3	3	3
Garden Club Group Home	Special Needs	2	2	2
Totals		164	62	216

7. The Township's Third Round Obligation is 365 and shall be met with the following mechanisms:

Third Round Credits

Project	Type of Unit	Units	Bonus	Total
Surplus Credits (Summerhill)	Family Sale	6	0	6
Stellwag / Foftail Creek	Senior Sale	20	0	20
Garden Club / Glenbrook	Family Sale	74	0	74
Atlantic Delta / Weiss	Family Rental	43	40	43
Chester Woods	Family Rental	53	48	53
Abrasive Alloy	Family Rental	65	0	65
Salt & Light / Summerhill	Special Needs	2	2	4
Salt & Light / Summerhill	Special Needs	2	2	4
Market to Affordable	Family	8	0	8
Overall Totals		273	92	365

8. The Township's Fourth Round Obligation is 96 and shall be met with the following mechanisms:

Fourth Round Credits

Project	Type of Unit	Units	Bonus	Total
Hunters Glen Expansion	Senior Rental	18		18
Hunters Glen Expansion	Family Rental	21		21
Extension of Expiring Controls	Family Sale	72	24	96
Overall Totals		111	24	135

9. The Township and FSHC agree that following long term conditions remain to be met as conditions of compliance certification:

- Salt & Light/Summerhill: The Township will provide the following documentation:
 - i. Facility operating license
 - ii. Supportive and special needs survey
 - iii. Affordability controls
 - iv. Certificate of occupancy
- Hunters Glen expansion: The Township will provide the following documentation:
 - i. Affordability controls - The Township will provide the recorded deed restrictions within thirty (30) days of receipt.
 - ii. Phasing schedule
 - iii. Bedroom distribution
 - iv. Income breakdown
 - v. Developer agreement

- Abrasive Alloys: The Township will provide information required by N.J.A.C. 5:93-5.5 and show that this site remains realistic, in addition to the following documentation:
 - i. Pro forma
 - ii. Construction schedule
 - Chester Woods: The Township will provide the following documentation:
 - i. Affordability controls
 - ii. Certificate of occupancy
 - Stellwag: The Township will provide the following documentation:
 - i. Affordability controls
 - ii. Certificate of occupancy
 - Atlantic Delta: The Township will provide approvals for this site reflecting the affordable housing requirements.
 - The Township shall provide the above information when available with regular updating in annual monitoring.
10. The Township's Compliance Certification shall be subject to required ongoing monitoring as follows:
- The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS

system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.

- The Township by February 15, 2026, and annually, shall provide the Department of Community Affairs with an up-to-date municipal status report based on its collection and publication of information concerning the number affordable of housing units actually constructed, construction starts, certificates of occupancy granted, the start and expiration dates of deed restrictions, and residential and non-residential development fees collected and expended, including purposes and amounts of such expenditures, along with the current balance in the municipality's affordable housing trust funds. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms,

date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

- For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the municipality or other interested party may file an action through the program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site in the housing element and fair share plan that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

11. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Township's adopted Fourth Round HEFSP.

12. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.



Hon. Terrence R. Cook, A.J.S.C.

On behalf of the Township of Delran:



Justin M. Strausser, Esq.

On behalf of Fair Share Housing Center:



Laura S. Smith-Denker, Esq.

TOWNSHIP OF DELRAN
DOCKET NO. BUR-L-229-25

SCHEDULE 1

<u>DOCUMENT NAME (EXHIBIT P-#)</u>	<u>DATE ULOADED ON eCOURTS</u>
Housing Element and Fair Share Plan (P-1)	June 9, 2025
Township Resolution 2025-105 Endorsing Housing Element and Fair Share Plan (P-2)	June 26, 2025
Township Ordinance 2026-02 Affordable Housing and Development Fee Ordinance (P-3)	March 12, 2026
Township Ordinance 2026-03 Amending Zoning And Adopting Inclusionary Affordable Housing Zoning District (P-4)	March 12, 2026
Township Resolution 2026-59 Intent to Provide Funds (P-5)	March 12, 2026
Township Resolution 2026-58 Adopting Spending Plan (P-6)	March 12, 2026
Rehabilitation Program Operating Manual and Township Resolution 2026-60 Implementing Operating Manual (P-7)	March 12, 2026
Affordability Assistance Program Manual and Township Resolution 2026-57 Implementing Program Manual (P-8)	March 12, 2026
Affordable Housing Trust Fund Spending Plan (P-9)	April 14, 2026