

Fair Share Housing Center

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In the Matter of the
Application of the Township of
Southampton, County of
Burlington.

SUPERIOR COURT OF NEW JERSEY
Law Division, Burlington
County
Docket No. BUR-L-157-25

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 George M. Morris, Esq. (of Parker McCay P.A.), as well as Fair Share Housing Center, 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 Southampton (the "Township" or "Southampton") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 22, 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 30, 2026 and implementing ordinances and resolutions on March 11, 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-8 (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 Southampton'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 33, the Township's Prior Round Obligation (1987-1999) is 85, and the Township's Fourth Round Prospective Need (2025-2035) is 44 units.
5. The Township will conduct a Housing Condition Survey to seek reduction of its Fourth Round Present Need of 33. The Township will address its Present Need via continued participation in the Burlington County Community Development Department's Home Improvement Loan Program administered by CGP&H.
6. The Township's Prior Round Obligation is 85 and has been met with the following mechanisms:

- Stokes Cannery (Block 903, Lot 21) 100% affordable housing development for 27 family rental units and 22 bonus credits
- Capgrow Holdings JV Sub I LLC (Block 903, Lot 15) for 3 bedrooms
- Dakota Properties Inc (Block 1902, Lot 42.02) for 3 bedrooms
- HEF Ventures LLC (Block 405, Lot 6) for 4 bedrooms
- Mendota Properties LLC (Block 404, Lot 24) for 8 bedrooms
- Mendota Properties LLC (Block 302, Lot 1.01) for 8 bedrooms
- Oaks Integrated Care (Block 901, Lot 6) for 5 bedrooms
- Maintained implementation of durationally adjusted TC-1 Zone overlay zoning to address remaining 5 units or identify other potential locations for 5 additional units before the overlay zoning is removed.

7. The Township's Third Round prospective need obligation was found based on the methodology initially submitted by FSHC in Southampton's Third Round declaratory judgment to be zero, and the Township dismissed its declaratory judgment thereafter and returned the entirety of the funds collected in the affordable housing trust fund to the State of New

Jersey, Department of Community Affairs, for direct use by other communities in Region 5 (Burlington, Camden, Gloucester Counties) for the construction of affordable housing.

8. The Township's Fourth Round Obligation is 44 and shall be met with the following mechanisms:

- Stokes Cannery (Block 903, Lot 21) 100% affordable housing development for 33 family rental units and 11 bonus credits

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

- Long Term: Stokes Cannery: The Township will provide the following documentation by December 31, 2026:
 - i. Adopted redevelopment plan
 - ii. Anticipated timetable for environmental remediation
 - iii. Income breakdown
 - iv. Affordability controls - The Township will provide the deed restriction within thirty (30) days of recording

v. Pro forma and construction schedule providing for construction to begin within two years of compliance certification will be provided

- Short Term:

- i. The Township will adopt an amendment to its HEFSP reflecting the crediting above on or before June 1, 2026.

- ii. The Township will adopt and file an updated Affirmative Marketing Plan on or before June 1, 2026.

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
Southampton:

/s/George M. Morris, Esq.

George M. Morris, Esq.

On behalf of Fair Share
Housing Center:

Laura S. Smith-Denker, Esq.

Laura S. Smith-Denker, Esq.

Schedule-1

Document Type	Document Name	Adoption Date	Filed Date
Housing Element & Fair Share Plan	Township of Southampton: Fourth Round Housing Element and Fair Share Plan	6/27/2025	6/30/2025
Spending Plan	Township of Southampton: Affordable Housing Trust Fund Spending Plan	3/10/2026	3/11/2026
Ordinance – Affordable Housing	Township of Southampton: Ordinance 2026-01 Affordable Housing Obligations	3/10/2026	3/11/2026
Resolution – Administrative Agent	Township of Southampton: Resolution No. 2026-37 Adopted CGPH Administrative Agent	3/10/2026	3/11/2026
Resolution – Adopting Spending Plan	Township of Southampton: Resolution No. 2026-38 Adopting the Spending Plan Pursuant to Fourth Round Affordable Housing Compliance	3/10/2026	3/11/2026
Resolution – Affordability Assistance Program	Township of Southampton: Resolution No. 2026-39 Implementation and Expenditures for an Affordability Assistance Program	3/10/2026	3/11/2026
Resolution – Affirmative Marketing Plan	Township of Southampton: Resolution No. 2026-40 Adopting Affirmative Marketing Plan	3/10/2026	3/11/2026
Resolution – Municipal Housing Liaison	Township of Southampton: Resolution No. 2021-40 Appoint Municipal Housing Liaison	2/18/2025	4/14/2026