

Fair Share Housing Center

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In the Matter of the
Application of Borough of
Audubon, County of Camden.

SUPERIOR COURT OF NEW JERSEY
Law Division, Camden County
Docket No. CAM-L-226-25

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 Borough via Jennifer McPeak, Esq., 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 Borough of Audubon (the "Borough" or "Audubon") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 23, 2025; and

WHEREAS, the above-named parties having previously presented a settlement agreement (a.k.a. mediation agreement) to

the Court which was filed on eCourts on December 19, 2025, and which settlement agreement is incorporated herein by reference; and

WHEREAS, the Court having entered an Order on February 25, 2025 accepting and adopting the Program Member's Report and Recommendations for approval of the Settlement and the Amended Housing Element and Fair Share Plan ("HEFSP") of the Borough;

WHEREAS, the Borough having filed its Amended HEFSP on March 12, 2026 and implementing ordinances and resolutions on March 12, 2026; and

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

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

WHEREAS, the Court having reviewed the Borough's Amended HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the Program and 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 20th day of April,

2026, **ORDERED** as follows:

1. Subject to the satisfaction of the short term conditions in paragraph 5 herein, the Borough's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-23 (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 Borough of Audubon's Fourth Round Fair Share Plan (Exhibit P-23) 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 Borough 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 Borough'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 Borough 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 Borough'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 Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle.
4. As per the Borough's Amended HEFSP and earlier court orders, the Borough's Present Need or Rehabilitation Obligation is 0, the Borough's Prior Round Obligation (1987-1999) is 0, the Borough's Third Round Obligation (1999-2025) is 92, and the Borough's Fourth Round Prospective Need (2025-2035) is 42 units.

1. The Borough's 134-unit combined obligation resulting from the Third Round Obligation of 92 and Fourth Round Obligation of 42 is adjusted through a Vacant Land Adjustment ("VLA") to a Realistic Development Potential ("RDP") of 0 and an Unmet Need of 134, which shall be met with the following mechanisms:

- a. ARC of Camden County (416 Amherst Road) for 3 group home bedrooms and 3 bonus credits
- b. Bancroft NeuroHealth (4 Payson Avenue) for 5 group home bedrooms and 5 bonus credits
- c. Mandatory Set Aside Ordinance to require a 20% set aside for both rental units and for-sale units for all residential developments of 5 or more units.
- d. Overlay zoning on Block 153, Lot 3 to permit up to 3 stories of inclusionary multifamily apartments for 14 affordable family rentals.
- e. Overlay zoning on Block 151, Lot 1.01 to permit up to 6 stories of inclusionary multifamily apartments for 24 affordable family rentals.

5. The Borough and FSHC agree that following short term conditions remain to be met as conditions of compliance certification:

- ARC of Camden County: The Borough will provide documentation of the facility operating license, supportive and special needs survey, certificate of occupancy, and affordability controls.
- Bancroft NeuroHealth: The Borough will provide documentation of the facility operating license, supportive and special needs survey, certificate of occupancy, and affordability controls.
- The Borough shall provide the documentation on or before May 15, 2026.

6. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:

- The Borough 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 Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. 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 Borough 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 as set forth in the adopted HEFSP 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.


7. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Borough's adopted Fourth Round HEFSP.
8. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.


Hon. Sherri L. Schweitzer, P.J.Ch.

On behalf of the Borough of Audubon:


Jennifer McPeak, Esq.

On behalf of Fair Share Housing Center:


Laura S. Smith-Denker, Esq.

SCHEDULE-1

1. R 2026-63 Resolution Appointing a Municipal Housing Liaison
2. R 2026-64 Resolution Appointing a Municipal Administrative Agent
3. R 2026-65 Resolution Referring IMFA Overlay to Planning Board for Master Plan Consistency Review
4. R 2026-66 Resolution Referring IFGA Overlay to Planning Board for Master Plan Consistency Review
5. R 2026-67 Resolution Referring Affordable Housing Ordinance to Planning Board for Master Plan Consistency Review
6. R 2026-68 Resolution Referring Development Fee Ordinance to Planning Board for Master Plan Consistency Review
7. R 2026-69 Resolution to Adopt Affordability Assistant Program Manual
8. Affordability Assistance Program Manual
9. R 2026-70 Resolution Adopting Spending Plan
10. Spending Plan
11. R 2026-71 Resolution to Adopt Affirmative Marketing Plan
12. Affirmative Marketing Plan
13. 2026-B JLUB Resolution to Adopt Amended Fourth Round Housing Element and Fair Share Plan
14. 2026-C JLUB Resolution Reviewing Ordinance 2026-01 for Master Plan Consistency
15. 2026-D JLUB Resolution Reviewing Ordinance 2026-02 for Master Plan Consistency
16. 2026-E JLUB Resolution Reviewing Ordinance 2026-03 for Master Plan Consistency
17. 2026-F JLUB Resolution Reviewing Ordinance 2026-04 for Master Plan Consistency

18. Ordinance 2026-01
19. Ordinance 2026-02
20. Ordinance 2026-03
21. Ordinance 2026-04
22. R 2026-77 Resolution Endorsing Borough Amended Housing Element and Fair Share Plan
23. Amended Fourth Round Housing Element and Fair Share Plan