

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. (030572007)
lauradenker@fairsharehousing.org

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

SUPERIOR COURT OF NEW JERSEY
Law Division, Camden County
Docket No. CAM-L-63-25

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 counsel Justin M. Strausser 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 Berlin (the "Borough" or "Berlin") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 8, 2025; and

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

March 4, 2026, and which consent order is incorporated herein by reference; and

WHEREAS, the Borough having filed its Housing Element and Fair Share Plan ("HEFSP") on June 24, 2025 and updated implementing ordinances and resolutions on March 13, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the Borough's filing in accordance with the parties' consent order and confirmed that the Borough has 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 Borough'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 20th day of April, 2026, **ORDERED** as follows:

1. 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-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 Borough of Berlin'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 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 HEFSP and earlier court orders, the Borough's Present Need or Rehabilitation Obligation is 15, the Borough's Prior Round Obligation (1987-1999) is 154, the Borough's Third Round Obligation (1999-2025) is 131, and the Borough's Fourth Round Prospective Need (2025-2035) is 62 units.
5. The Borough's Present Need Obligation is 15 and will be addressed via continued participation in the Camden County Rehabilitation Program for owner-occupied units. The Borough will enter into a shared services agreement with County of Camden (Department of Community Development) for renter-occupied units.
6. The Borough's Prior Round Obligation is 154 and has been met with the following mechanisms:

Mechanism	Type	Units	Bonus	Total
Carriage Stop	Family rentals	28	28	56
Lonaconing	Senior rentals	38	0	38
BAM Developers	Family rentals	1	0	1
328 S. White Horse Pike	Family rentals	20	0	20
Nexus Properties LLC	Family rentals	17	0	17
South Jersey Behavioral Health	Supportive housing bedrooms	4	4	8
PILOT Special Needs Facility	Supportive housing bedrooms	3	3	6
Twin Oaks	Supportive housing bedrooms	4	4	8
TOTAL		115	39	154

7. The Borough's Third Round Obligation is 131 and shall be met with the following mechanisms:

Mechanism	Type	Units	Bonus	Total
Lonaconing	Senior rentals	2	0	2
The Gardens (Nexus)	Family rentals (Prior Round cycle credits)	54	33	87
Spring Oak Assisted Living	Senior rentals	31	0	31
Market to Affordable	Rental/for-sale	11	0	11
TOTAL		98	33	131

8. The Borough's Fourth Round Obligation is 62 and shall be met with the following mechanisms:

Mechanism	Type	Units	Bonus	Total
126-148 Route 73 (Block 110, Lots 4, 7, 8, 9, 9.01) redevelopment	Family sale	26	0	26
328 S. White Horse Pike	Family rentals	18	9	27
69-83 S. White Horse Pike (Block 1108, Lots 6, 7, 8, 9) redevelopment	Senior rentals	6	3	9
TOTAL		50	12	62

9. 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, 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

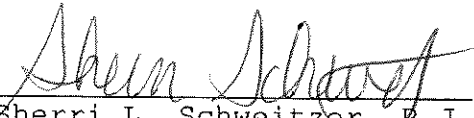
housing trust funds. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior 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.

10. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of

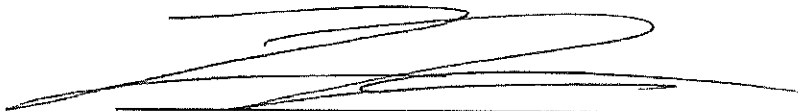
Compliance and Repose and the Borough's adopted Fourth Round HEFSP.

11. 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 Berlin:



Justin M. Strausser, Esq.

On behalf of Fair Share Housing Center:

Laura S. Smith-Denker, Esq.

Laura S. Smith-Denker, Esq.

BOROUGH OF BERLIN
DOCKET NO. CAM-L-63-25

SCHEDULE 1

<u>DOCUMENT NAME (EXHIBIT P-#)</u>	<u>DATE ULOADED ON eCOURTS</u>
Housing Element and Fair Share Plan (P-1)	June 24, 2025
Borough Planning Board Resolution Endorsing Housing Element and Fair Share Plan (P-2)	June 24, 2025
Borough Resolution R6-115:2025 Endorsing Housing Element and Fair Share Plan (P-3)	June 27, 2025
Borough Ordinance No. 2026-04 Affordable Housing and Development Fee Ordinance (P-4)	March 13, 2026
Borough Resolution R3-65:2026 Adopting the Spending Plan and Spending Plan (P-5)	March 13, 2026
Affordability Assistance Program Manual and Borough Resolution R3-63:2026 Implementing Program Manual (P-6)	March 13, 2026
Affirmative Marketing Process Manual and Borough Resolution R3-64:2026 Implementing Affirmative Marketing Plan (P-7)	March 13, 2026
Policies and Procedures Manual (P-8)	March 13, 2026