

FAIR SHARE HOUSING CENTER

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April 24, 2026

Via eCourts and Electronic Mail

Hon. Robert Malestein, P.J.Ch.
1 North Broad Street, 3rd Floor
Woodbury, NJ 08096

**Re: IMO the Application of the Township of Hopewell
 Docket No. CUM-L-000064-25**

Dear Judge Malestein:

Enclosed please find the consent order between the Township of Hopewell and Fair Share Housing Center which has been executed by both parties. The parties respectfully request that the court enter this order which shall represent the final compliance certification contemplated in N.J.S.A. 52:27D-301 et. seq.

Thank you for your attention to this matter.

Respectfully submitted,

Laura S. Smith-Denker, Esq.

Dated April 24, 2026

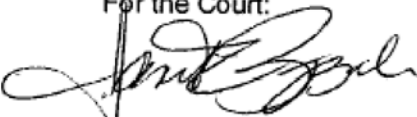
Laura S. Smith-Denker, Esq.
Counsel to Fair Share Housing Center

c: Jeffrey R. Surenian, Esq.

SUPREME COURT OF NEW JERSEY

Pursuant to Rule 1:13-2(a), it is ORDERED that the payment of filing fees, other fees, and charges of public officers for service of process in connection with actions filed by the Fair Share Housing Center shall be waived; this Order is effective immediately and until further order of the Court.

For the Court:



Chief Justice

Dated: January 16, 2007

Fair Share Housing Center

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Cherry Hill, New Jersey 08002
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Attorneys for Fair Share Housing Center

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In the Matter of the
Application of the Township of
Hopewell, County of
Cumberland.

SUPERIOR COURT OF NEW JERSEY
Law Division, Cumberland
County
Docket No. CUM-L-64-25

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 Jeffrey R. Surenian, Esq. (of Surenian, Edwards, Buzak, and Nolan LLC), as well as Fair Share Housing Center, via counsel Ashley Lee, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Township of Hopewell (the "Township" or "Hopewell") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 24, 2025; and

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

December 8, 2025, and which consent order is incorporated herein by reference; and

WHEREAS, the Township having filed its Housing Element and Fair Share Plan ("HEFSP") on May 22, 2025 and implementing ordinances and resolutions on March 13, 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 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 27th 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-10 (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 Hopewell'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 31, the Township's Prior Round Obligation (1987-1999) is 114, the Township's Third Round Obligation (1999-2025) is 95, and the Township's Fourth Round Prospective Need (2025-2035) is 67 units.
5. The Township will address its Present Need via continued participation in the Small Cities Grant program for owner-occupied affordable units. To address renter-occupied affordable units, the Township will establish a municipal rehabilitation program, supported by the Township's Affordable Housing Trust Fund when funds are available.
6. The Township's Prior Round Obligation is 114 and has been met with the following mechanisms:

Hopewell Township's Prior Round Compliance Mechanisms: 114 Prior Round Obligation	Credits	Bonuses	Total
<i>100% Affordable Family Site – Completed 1998, LIHTC Award</i>			
Hopewell Place Senior Affordable Rentals (28 of 92)	28	5	33
<i>Supportive/Special Needs – Completed</i>			
Devereux – Special-needs rental (5 bedrooms)	5	5	10
Total	33	10	43

- The Township seeks a Durational Adjustment of its remaining 71-unit Prior Round Obligation.

7. The Township's Third Round Obligation is 95 and shall be met with the following mechanisms:

Hopewell Township's Third Round Compliance Mechanisms: 95 Third Round Obligation	Credits	Bonuses	Total
<i>100% Affordable Family Site – Completed, LIHTC Award</i>			
Hopewell Place Senior Affordable Rentals (23 of 92)	23	4	27
<i>Supportive/Special Needs – Completed</i>			
Caring, Inc. – Special-needs rental (4 bedrooms)	4	0	4
Total	27	4	31

- The Township seeks a Durational Adjustment of its remaining 64-unit Third Round Obligation.

8. The Township's Fourth Round Obligation is 67 and shall be met with the following mechanisms:

Hopewell Township's Fourth Round Compliance Mechanisms: 67 Fourth Round Obligation	Credits	Bonuses	Total
<i>100% Affordable Family Site – Completed, LIHTC Award</i>			
Hopewell Place Senior Affordable Rentals (20 of 92)	20	0	20
Total	20	0	20

- The Township seeks a Durational Adjustment of its remaining 47-unit Fourth Round Obligation.

9. The Township's unfulfilled Prior Round, Third Round, and Fourth Round Prospective Need obligations is 182 units. Because the Township currently does not have public water and sewer, the Township and FSHC have agreed that the Township is entitled to a Durational Adjustment pursuant to N.J.A.C. 5:93-4.3. The Township has agreed to the following:

A. Residential Inclusionary Overlay Zoning: In the event that sites zoned R-2 or R-3 districts are developed in accordance with the underlying zoning, the developers shall pay a fee of 1.5 percent of equalized assessed value in accordance with the standards set forth in the Township's development fee ordinance. In the event that the developer of a site zoned R-2 or R-3 wishes to develop in accordance with the overlay zoning, the developer shall comply with the standards for the overlay zone set forth in Appendix H of the Township's Housing Element and Fair Share Plan and shall set aside at least 15% for rental units or at least 20% for for-sale.

B. Municipal Commitment to Assist in the Provision of Public Water and Sewer: The Township shall cooperate with appropriate parties, and act in good faith and with continuity of purpose, to assist inclusionary developments sites in the overlay zones referenced above in the Township in facilitating the provision of public water and sewer to those sites. Such cooperation shall include, but not be limited to, expeditiously supporting and endorsing and if necessary becoming a co-applicant on:

- i. Any application to the New Jersey Department of Environmental Protections ("NJDEP") or its agent to provide infrastructure for a site;
- ii. Any applications for the inclusion of any parcels in any appropriate sewer service area or wastewater management plan;
- iii. Any applications made to any State, county, local, or other body politic or utility authority necessary in order to provide public sewer and water service; and
- iv. Any other reasonable steps necessary or required to help facilitate the provision of public water and sewer.

C. Municipal Commitment to Reserve New Public Water and/or Sewer Capacity: Should public water and/or additional public sewer become available in Hopewell, it shall be required, pursuant to N.J.A.C. 5:93-4.3(c)(1), to reserve and set aside the water and/or sewer capacity, when it becomes available, for very low-, low-, and moderate-income housing on a priority basis until it has satisfied its fair share obligations.

10. The Township and FSHC agree that the appointment of an administrative agent for any development satisfying all or a portion of the Township's durational adjustment may await the submittal of an application for such development to the Hopewell Planning Board.

11. 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.

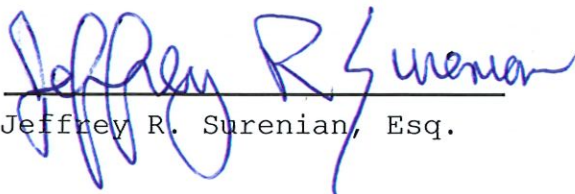
12. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Township's adopted Fourth Round HEFSP.

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



Hon. Robert G. Malestein. P.J.Ch.

On behalf of the Township of Hopewell:



Jeffrey R. Surenian
Jeffrey R. Surenian, Esq.

On behalf of Fair Share Housing Center:

Laura S. Smith-Denker, Esq.
Laura S. Smith-Denker, Esq.

Schedule 1 Hopewell¹

P-1: Fourth Round Housing Element and Fair Share Plan adopted by the Hopewell Land Use Board on May 21, 2025, and endorsed by the Township Committee on June 12, 2025.

P-2: Resolution 2025-06 Resolution of the Land Use Board of the Township of Hopewell Adopting a Housing Element and Fair Share Plan for Round Four, adopted on May 21, 2025.

P-3: Resolution 2025-70 Resolution of Township Committee of the Township of Hopewell Endorsing the Housing Element and Fair Share Plan Adopted by the Land Use Board, adopted on June 12, 2025.

P-4: Ordinance 2026-03 An Ordinance Amending the Land Use Development Ordinance of the Township of Hopewell, County of Cumberland and State of New Jersey to Revise Chapter 220 Entitled Land Use and Development of the Township of Hopewell Code to Implement Affordable Housing Requirements in Accordance with the Order of the New Jersey Superior Court, adopted March 12, 2026.

P-5: Ordinance 2026-02 An Ordinance Amending the Land Use and Development Ordinance of the Township of Hopewell, Cumberland County to Add the Residential Inclusionary Overlay District in Furtherance of the Fair Housing Act, adopted on March 12, 2026.

P-6: Resolution 2026-51 Resolution of the Township Committee of the Township of Hopewell, County of Cumberland, Seeking Approval of an Updated Spending Plan, adopted February 12, 2026.

P-7: Resolution 2026-50 Resolution of Committee of Township of Hopewell, County of Cumberland, State of New Jersey, Adopting the Operating Manual of the Administration of the Affordable Housing Rental Rehabilitation Program Prepared by Triad Associates, adopted March 12, 2026.

P-8: Resolution 2026-32 Resolution Appointing A Municipal Housing Liaison, adopted January 29, 2026.

P-8: Resolution 2026-34 Resolution of the Township of Hopewell, County of Cumberland, State of New Jersey, Authorizing Entering into a Contract with an Administrative Agent for the Administrative of Affordable Housing Units, adopted on January 29, 2026.

P-10: Resolution 2025-123 Resolution of the Mayor and Township Committee of the Township of Hopewell of the County of Cumberland,

¹ P-1 through P-10 have all been filed and are therefore, in the record. They are incorporated by reference.

State of New Jersey, Stating its Intent to Bond or Take Such Other Steps Necessary to Fully Fund Its Housing Element and Fair Share Plan, adopted on December 11, 2025.