

**PREPARED BY THE COURT**

IN THE MATTER OF THE  
APPLICATION OF THE  
TOWNSHIP OF HAMILTON,  
A MUNICIPAL CORPO-  
RATION OF THE STATE OF  
NEW JERSEY,

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MERCER COUNTY  
DOCKET NO. L-159-25

CIVIL ACTION

**MT. LAUREL PROGRAM**

**CERTIFICATION OF COMPLIANCE  
AND REPOSE FOR THE FOURTH  
ROUND HOUSING CYCLE**

**THIS MATTER**, having come before the Court on referral from the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 22, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF HAMILTON** (“Petitioner”, “Township”, or “Hamilton”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24” or “the Directive”) of the “Program”, seeking a certification of compliance with the FHA;

**AND THE COURT**, having entered its Decision and Order Fixing Municipal Obligations for “present need” and “prospective need” for the Fourth Round Housing Cycle on April 8, 2025 for the Township – specifically, a “present need” obligation of 186 affordable housing units, and a “prospective need” obligation of 520 affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”);

**AND IT APPEARING** that, a challenge to the Municipality’s HEFSP (“Challenges”) was timely and properly filed by Fair Share Housing Center (“FSHC”) (the Challenger), by and through its counsel, in accordance with the FHA and Section III.B of Directive #14-24, wherein the Challenger disputed, in whole or in part, certain compliance mechanisms and/or other aspects of the Municipality’s proposed HEFSP, as set forth in the Challenge, with the Challenge supported by its own expert report;

**AND IT APPEARING** that, a challenge to the Municipality’s HEFSP was timely and properly filed by American Properties Development Group, LLC, by and through counsel;

**AND IT APPEARING** that, pursuant to the Program, the Administrative Office of the Courts (“AOC”) appointed and assigned the case to Program member, the Hon. Mary C. Jacobson, A.J.S.C. (Ret.) (“Program Member”) to manage the proceedings, host settlement conferences, and make recommendations to the Court

in accordance with the FHA and the AOC's Directive #14-24, and that the Program Member appointed Jennifer Beahm, PP, an independent affordable housing expert, as special adjudicator ("Special Adjudicator") in this case to work with, make recommendations to and assist the Program, and who worked closely with the Program Member;

**AND IT APPEARING** that, on October 7, 2025 and December 17, 2025, settlement conferences were conducted on notice to all parties with the participation of local officials, town planner, planners for FSHC, and attorneys for the Municipality and attorneys for the Challengers FSHC and American Properties, in accordance with the statutory framework and Directive #14-24, and with the goal of reaching a resolution;

**AND IT APPEARING** that Challenger American Properties, after having participated in mediation, subsequently withdrew their challenge to Hamilton's HEFSP;

**AND IT APPEARING** that, the parties engaged in extensive settlement negotiations before and during the settlement conferences, with the guidance and assistance of the Program Member and the Special Adjudicator, and having entered a settlement agreement on February 27, 2025;

**AND IT APPEARING** that, the Township, upon having given due notice to all interested parties as provided for by the New Jersey Open Public Meetings Act,

N.J.S.A. 10:4-12, et seq. and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., as required, adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round Housing Element and Fair Share Plan (“HEFSP”), incorporating therein any changes from the Program and this Court’s prior Order, on March 11, 2026, for the implementation of its Fourth Round Affordable Obligation, and thus by or before March 16, 2026;

**AND THE COURT**, having previously and here again determined that the Township’s Fourth Round HEFSP is fair and reasonable to the region’s low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), aff’d o.b. 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Township of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and, therefore, approved by the Court;

**AND THE COURT**, having been satisfied and further determined that the Township has timely adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round HEFSP, incorporating therein any changes from the Program and this Court’s prior Order(s), and for the satisfaction of its Fourth Round Affordable Obligation, as provided for and in accordance with N.J.S.A. 52:27D-304.1f (2)(c) of the FHA and Section III.A of Directive #14-24 (as amended), and which Plan contained the elements set forth in the “Addendum”

attached to Directive #14-24 (as amended), having thereby qualified for immunity, and for good cause shown:

**IT IS** on this 27th day of March 2026 **ORDERED** that:

1. The approved Fourth Round HEFSP and applicable ordinances and resolutions, posted on eCourts on March 13, 2026 with Trans ID LCV2026655587, collectively referred to herein as the “Implementing Ordinances and Resolutions,” are hereby admitted into evidence and entered into the record.
2. The Township has provided adequate notice of its proposed and adopted Implementing Ordinances & Resolutions for implementation of its approved Fourth Round HEFSP to the public and all interested parties and in strict accordance with the Court’s prior Approval Order.
3. The Township’s approved Fourth Round HEFSP and constituent compliance mechanisms contained therein, and the Implementing Ordinances & Resolutions, are hereby determined to be fair and reasonable to the interests of the region’s low- and moderate-income households and to represent a realistic opportunity for the provision of affordable housing in accordance with the Mt. Laurel doctrine, and specifically in accordance with the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div.

1984), aff'd o.b. 209 N.J. Super. 108 (App. Div. 1986), and East/West Venture v. Township of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

4. The Township and those parties implicated or otherwise involved and referenced therein are directed and ordered to proceed, forthwith, to implement the approved Fourth Round HEFSP and approved compliance mechanisms contained therein and in accordance with its terms and the Implementing Ordinances & Resolutions.
5. The Township's immunity from builder's remedy and/or exclusionary zoning litigation, be, and is hereby continued and shall remain in full force and effect for the Fourth Round period of **JULY 1, 2025** to **JUNE 30, 2035**, 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.
6. **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.**
7. This order shall be deemed filed and served upon posting to eCourts.

/s/ Robert Lougy

ROBERT LOUGY, A.J.S.C.

Designated Mt. Laurel Judge

Mercer Vicinage

**PER RULE 1:7-4, THE COURT PROVIDES THE FOLLOWING STATEMENT OF REASONS AND CONCLUSIONS OF LAW.**

Having reviewed and considered the Township’s adopted and approved HEFSP, together with the now adopted Implementing Ordinances & Resolutions for the effectuation and implementation of the same, the Court is satisfied that the HEFSP, as adopted and endorsed by the Township, and the accompanying and now timely adopted Implementing Ordinances & Resolutions, is fair and equitable, shall provide a “realistic opportunity” for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Township, and is thereby in the best interests of the protected class of low- and moderate-income households in the Township. This Certification of Compliance confirms the Township’s complete and satisfactory compliance with the provisions and requirements of the FHA and Directive #14-24.

Accordingly, the Court hereby APPROVES of the Township’s adopted HEFSP, Implementing Ordinances & Resolutions, and herewith issues its Certification of Compliance and repose in accordance with the FHA and Directive #14-24. As a result, the Township of Hamilton retains all the protections of the above-referenced amendments to the FHA, shall continue to retain immunity from

March 30, 2026

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builder's remedy and/or exclusionary zoning litigation, and that the Court shall retain jurisdiction for purpose of enforcing the terms and conditions of this Certification of Compliance and repose and the Township's adopted Fourth Round HEFSP, in accordance with the statutory framework and AOC Directive #14-24.

The Court's Certification of Compliance and Repose implementing the Court's decision accompanies this statement of reasons.