

PREPARED BY THE COURT

IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF HOPEWELL
BOROUGH, MERCER
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY
DOCKET NO. L-184-25

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, **HOPEWELL BOROUGH** (“Petitioner”, “Borough”, or “Hopewell”), 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 March 25, 2025 for the Borough – specifically, a “present need” obligation of zero affordable housing units, and a “prospective need” obligation of thirty-nine (39) affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”);

AND IT APPEARING that, the Borough, 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, and on March 5, 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 Borough’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. Borough 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 Borough 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 (Exhibit P-1) and applicable ordinances and resolutions, collectively referenced as Schedule-1 hereto as Exhibits P-1 through Exhibit P-6 (inclusive) and herein as the “Implementing Ordinances and Resolutions,” are hereby admitted into evidence and entered into the record.
2. The Borough 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 Borough'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. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).
4. The Borough 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 Borough'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 Borough

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 Borough'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 Borough'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 Borough, 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 Borough, and is thereby in the best interests of the protected class of low- and moderate-income households in the Borough. This Certification

March 27, 2026

Page 5 of 7

of Compliance confirms the Borough's complete and satisfactory compliance with the provisions and requirements of the FHA and Directive #14-24.

Accordingly, the Court hereby APPROVES of the Borough'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 Borough of Hopewell retains all the protections of the above-referenced amendments to the FHA, shall continue to retain immunity from 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 Borough'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.

SCHEDULE P-1

DOCUMENTS MARKED INTO EVIDENCE

- P-1** Amended Fourth Round Housing Element and Fair Share Plan (“HEFSP”) of the Borough of Hopewell, adopted by the Borough’s Planning Board on February 18, 2026, incorporated by Resolution No. 2026-44, as approved by the Court’s Approval Order entered on January 21, 2026.
- P-2** Borough Ordinance No. 910, Addressing the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls, and Amending Section 1 0A-4.4 of the “Revised General Ordinances of the Borough of Hopewell, 1975” Regarding “Development Fees”
- P-3** Borough Ordinance No. 911, Addressing the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls, Ensuring the Borough’s Compliance with its Affordable Housing Obligations, and Establishing a New Chapter 13A, Entitled “Hopewell Borough Fourth Round Affordable Housing Requirements,” of the “Revised General Ordinances of the Borough of Hopewell, 1975”
- P-4** Borough Resolution No. 2026-42, Appointing CGP&H as Administrative Agent for the Borough of Hopewell Under the Fourth Round Affordable Housing Program and Authorizing Execution of Contract in Connection Therewith
- P-5** Borough Resolution No. 2026-43, Appointing a Municipal Housing Liaison
- P-6** Borough Resolution No. 2026-44, Endorsing Amendment to the Borough of Hopewell Housing Element and Fair Share Plan Adopted by the Planning Board
- P-7** Borough Resolution No. 2026-45, Adopting the Borough of Hopewell’s Fourth Round Affordable Housing Spending Plan and Affirmative Marketing Plan