

Fair Share Housing Center

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FILED

MAY 04 2026

Hon. Thomas Daniel McCloskey, J.S.C.

**In the Matter of the
Application of the Township of
East Brunswick, County of
Middlesex**

SUPERIOR COURT OF NEW JERSEY
Law Division, Middlesex County
Docket No. MID-L-119-25

**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 of East Brunswick (the "Township") via counsel Corrine LaCroix Tighe, Esq. (of Hoagland, Longo, Moran, Dunst & Doukas, LLP), as well as Fair Share Housing Center, via counsel Joshua D. Bauers, Esq. (on behalf of Fair Share Housing Center), seeking to identify remaining issues of compliance and ultimately a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Township having filed a binding resolution and declaratory judgment action, pursuant to N.J.S.A. 52:27D-301 et seq. and Administrative Office of the Courts Directive #14-24 ("AOC Directive") with the Affordable Housing Dispute Resolution

Program (the "Program") on January 8, 2025; and

WHEREAS, the above-named parties having previously presented a consent order to the Court which was entered on February 5, 2026, and which is incorporated herein by reference; and

WHEREAS, the Township having filed its Amended Housing Element and Fair Share Plan ("HEFSP") on March 16, 2026 and its implementing ordinances on March 12, 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 substantially complied with all terms outlined in the February 5, 2026 consent order, except as described below; and

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

WHEREAS, the Court having reviewed the Township'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 4TH day of MAY, 2026,

ORDERED as follows:

1. The Township's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions filed with the Court on March 12, 2026 and March 16, 2026, collectively referenced herein as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.
2. Subject to the satisfaction of the Conditions in Paragraphs 9 and 10 of this Order and the deadlines established therein, the Township's Fourth Round Fair Share Plan, as was filed with the Court on March 16, 2026, 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 Amended HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 170, the Township's Prior Round Obligation (1987-1999) is 648, the Township's Third Round Obligation (1999-2025) is 1,067, and the Township's Fourth Round Prospective Need (2025-2035) is 296 units.
5. The Township will address its Present Need via participation in the Middlesex County Housing

Rehabilitation Program as well as through the activities of the East Brunswick Community Housing Corporation.

6. The Township's Prior Round Obligation has been met in the manner described in Table 21 on page 19 of the Amended HEFSP.

7. The Township's Third Round Obligation has been met in the manner described in Table 22 on page 20 of the Amended HEFSP.

8. The Township's Fourth Round Prospective Need Obligation is 296 and shall be met with the following mechanisms:

MECHANISM	TYPE/ TENURE	UNITS	BONUS	TOTAL	STATUS
Commons at Kingswood Station	Extensions of Expiring Controls	9		9	Completed
East Brunswick Community Housing Corporation	Market to Affordable Family Rental	20	20	40	Completed
EIHAB Site 2	Supportive Housing	3	3	6	Completed
Aplus Care Sites 1, 2, and 3	Supportive Housing	10	10	20	Completed
Route 18 Inclusionary Development	Family Rental	4	4	8	Under Construction
Care One	Assisted Living	10		10	Complete
Brightview	Assisted Living	10		10	Under Construction
Ryders Ln Senior Living	Assisted Living	10		10	Approved

Sixth Street Municipal Site	100% Affordable/Municipally Sponsored	28	28	56	Proposed 100% Affordable
Arisa II	Family Rental	50		50	Zoned
660 Cranbury Road	Family Rental or For Sale	8		8	Zoned
Brunswick Square Mall	TBD	60	9	72	Zoned
Total		222	74	296	

9. The Township's Compliance Certification is deemed conditional until the following conditions are met:

- The Township shall prepare and adopt the Redevelopment Plan for the Brunswick Square Mall site that creates a realistic opportunity for affordable housing by October 31, 2026. A draft of this Redevelopment Plan shall be provided to FSHC by August 31, 2026, and FSHC shall provide comments to the Township by September 18, 2026.
- The Township shall provide a Letter of Intent or similar document for the Sixth Street municipal site as soon as reasonably practicable, but no later than June 30, 2026, and shall provide a funding plan and a timeline/construction schedule by no later than August 31, 2026.

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

- The Township commits to providing deed restrictions for all units under construction and in the development process when those affordable housing units complete construction and the deed restrictions become available.
- The Township by February 15, 2026, and annually thereafter, 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 thereafter, 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

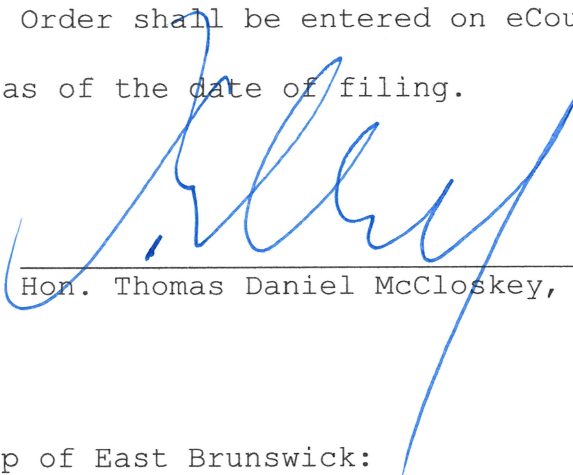
occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, 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 Township 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.

11. 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.

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



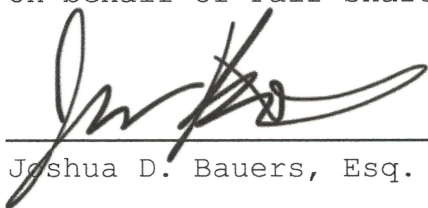
Hon. Thomas Daniel McCloskey, J.S.C.

On behalf of the Township of East Brunswick:



Corrine LaCroix Tighe, Esq.

On behalf of Fair Share Housing Center:



Joshua D. Bauers, Esq.