

**FILED**

**March 20, 2026**

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

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

Superior Court of New Jersey

Law Division – Civil Part

Middlesex County

Middlesex County Courthouse

56 Paterson Street, 3<sup>rd</sup> Floor

Chambers/Courtroom 306

New Brunswick, New Jersey 08903-0964

**PREPARED BY THE COURT:**

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE BOROUGH  
OF HIGHLAND PARK,  
MIDDLESEX COUNTY  
PURSUANT TO P.L. 2024,  
CHAPTER 2 (N.J.S.A. 52:27D-  
304.1, et seq.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
MIDDLESEX COUNTY  
DOCKET NO. MID-L-000435-25

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, **BOROUGH OF HIGHLAND PARK** (“Petitioner” or “Municipality” or “Borough”), 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”) of the ”Program”, seeking a certification of compliance with the FHA;

**AND THE COURT**, having entered its “*Order Fixing Municipal Obligations*” for “present need” and “prospective need” for the Fourth Round Housing Cycle on March 14, 2025 for the Municipality – specifically, a “present need” obligation of **209** affordable housing units, and a “prospective need” obligation of **45** affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”),<sup>1</sup> and therein authorizing the Borough to adopt its implementing Ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

**AND IT APPEARING** that, the Planning Board of the Borough of Highland Park adopted “Resolution No. P2025-03” on June 12, 2025, adopting the proposed Housing Element and Fair Shar Plan (“HEFSP”) pursuant to Directive #14-24, which was filed with the Program and posted to the case jacket for this matter on June 13, 2025;

**AND IT APPEARING** that, the Borough adopted “Resolution #6-25-166” on June 24, 2025, per the letter (and attachment) of its counsel dated/posted to the case jacket for the matter on June 30, 2025, thereby endorsing HEFSP for the implementation of its Fourth Round Affordable Obligation, and thus by or before June 30, 2025, as provided for and in accordance with 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)

**AND IT APPEARING** that no challenges to the Borough’s HEFSP were filed by any interested party pursuant to Directive #14-24 or otherwise;

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<sup>1</sup> Per prior “*Order Fixing Municipal Obligations for ‘Present Need’ and ‘Prospective Need’ for the Fourth Round Housing Cycle*” of this Court entered on March 14, 2025 (see Trans. ID: LCV2025830529).

**AND THE COURT**, having entered its “*Decision and Order Approving Municipal Housing Element and Fair Share Plan for the Fourth Round Housing Cycle*” on January 12, 2026 (“Approval Order”) for the Borough to meet and ensure satisfaction of its previously fixed “present need” obligation of **209** affordable housing units, and a “prospective need” obligation of **45** affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”),<sup>2</sup> and therein authorizing the Borough to adopt its implementing Ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

**AND IT APPEARING**, that the approved HEFSP identified three (3) mechanisms to satisfy the 45-unit “prospective need” obligation, neither of which mechanisms required the enactment of additional implementing ordinances and/or resolutions; that, as identified in the approved HEFSP, which was endorsed by the Borough Council pursuant to Resolution No. 6-25-166, the Borough has in place (i) an existing Affordable Housing Ordinance recognizing the applicability of UHAC to all local development (with updates to these existing regulations to reflect newly issued state regulations, which already govern local development, scheduled for first reading on March 24, 2026), (ii) a Development Fee Ordinance recognizing the Court’s jurisdiction (with updates to these existing local regulations to reflect newly issued state regulations scheduled for first reading on March 24, 2026); and (iii) an Affirmative Marketing Plan, and Resolution appointing a Municipal Liaison;

**AND IT APPEARING**, that the Borough has adopted a Fourth Round Spending Plan, which was proposed in the now approved HEFSP (as adopted by the Borough Council pursuant to Resolution No. 6-25-166); and that, as addressed in the HEFSP, the Borough’s Plan for the Fourth Round does not include municipally funded compliance mechanisms, and the Borough has

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<sup>2</sup> See Trans. ID: LCV202693408).

collected no development fees to date, however, a small amount in non-residential development fees have been projected for the anticipated redevelopment along Raritan Avenue;

**AND IT APPEARING** that, with respect to the foregoing, the Borough has previously 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, for the adoption of its implementing ordinances and resolutions to ensure implementation of its approved Fourth Round HEFSP, and for the implementation of its Fourth Round Affordable Housing 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, has been approved by the Court;

**AND THE COURT**, having been satisfied and having further determined that the Borough has adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round HEFSP (collectively, the "Implementing Ordinances"), and for the satisfaction of its Fourth Round Affordable Housing 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 having otherwise been shown:

**IT IS** on this 20<sup>th</sup> day of **MARCH 2026, ADJUDGED AND ORDERED**, as follows:

1. That the Borough has previously provided adequate notice of its proposed and since adopted Implementing Ordinances 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, and has effectuated the mechanisms necessary to satisfy its Fourth Round Affordable Housing Obligation.

2. That the Borough's approved Fourth Round HEFSP and constituent compliance mechanisms contained therein, and the Implementing Ordinances, 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).

3. That the Borough is hereby 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.

4. That 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; and

**5. That 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.**

**IT IS FURTHER ORDERED**, that a copy of this Order shall be deemed served on the Petitioner, and Petitioner's counsel, upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:



**HON. THOMAS DANIEL McCLOSKEY, J.S.C.**  
*Designated Mt. Laurel Judge – Middlesex Vicinage*

(X) Uncontested; by the Court.

**R. 1:7-4(a)**: Having reviewed and considered the Borough's adopted and approved HEFSP, together with the previously 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 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 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 Highland Park 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.

**SO ORDERED.**