

**FILED**

**April 15, 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 METUCHEN, 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-000565-25

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 28, 2025 (“DJ Complaint”) by the Petitioner, **BOROUGH OF METUCHEN** (“Petitioner”, “Borough” or “Metuchen”), 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 Approving Municipal Housing Element and Fair Share Plan for the Fourth Round Housing Cycle*” on January 7, 2026 (“Approval Order”) for the Municipality to meet and ensure satisfaction of its previously fixed “present need” obligation of 5 affordable housing units, and a “prospective need” obligation of 120 affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”),<sup>1</sup> and therein authorizing the Municipality to adopt its implementing Ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

**AND IT APPEARING** that, the Municipality, 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 9, 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 Municipality’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 Municipality has timely adopted implementing ordinances and resolutions to ensure implementation of its

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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: LCV2025830783).

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 having otherwise been shown:

**IT IS** on this **15<sup>th</sup>** day of **APRIL 2026, ADJUDGED AND ORDERED**, as follows:

1. That the approved Fourth Round HEFSP (Exhibit P-1), and applicable implementing ordinances and resolutions, and related documents collectively referenced at **SCHEDULE-1** hereto as Exhibit P-2 through Exhibit P-13 (inclusive) and herein as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.

2. That 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. That 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. That 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; and, accordingly,

5. 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.

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.**

**IT IS FURTHER ORDERED**, that a copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel, and counsel for FSHC 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 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 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 Metuchen 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.**

**SCHEDULE -1**

**DOCUMENTS MARKED INTO EVIDENCE<sup>2</sup>**

**P-1:** Fourth Round Housing Element and Fair Share Plan (“HEFSP”) of the Borough of Metuchen adopted by the Planning Board of the Borough of Metuchen on June 5, 2025, and endorsed by Resolution #2025-180 adopted by the Borough Council of Metuchen on June 9, 2025, as approved by the Court’s Approval Order entered on January 7, 2026. (*See* Trans. ID: LCV202641703).

**P-2:** Affordable Housing Ordinance No.2026-04 adopted on March 9, 2026.

**P-3:** Ordinance No. 2026-05 Adopting 12 & 16 Pearl Street Redevelopment Plan adopted on March 9, 2026.

**P-4:** 12 & 16 Pearl Street Redevelopment Plan.

**P-5:** Ordinance No. 2026-06 authorizing amendment to Arts District Redevelopment, adopted on March 9, 2026.

**P-6:** Metuchen Arts District Redevelopment Plan (this is the Plan which is amended by Ordinance No. 2026-6).

**P-7:** Resolution No. 2026-15 adopted by the Borough Council of Metuchen on March 9, 2026, adopting the Affordable Housing Trust Fund Fourth Round Spending Plan.

**P-8:** Affordable Housing Trust Fund Spending Plan.

**P-9:** Resolution No. 2026-17 adopted by the Borough Council of Metuchen on January 1,2026, appointing the Municipal Housing Liaison – Monae Whitehead.

**P-10:** Resolution No. 2026-34 adopted by the Borough Council of Metuchen on January 1, 2026, appointing CGP&H, LLC of 1249 S. River Rd., Suite 301, Cranbury, New Jersey 08512, as Affordable Housing Administrative Agent/Affordable Assistance Program Services.

**P-11:** Affordability Assistance Policies and Procedures Manual.

**P-12:** Owner-Occupied Housing Rehabilitation Program Manual.

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<sup>2</sup> *See* filings made and posted at Trans. ID: LCV2026664867 and LCV2026945983.

**P-13:** Proposed form of Deed Restriction for the extension of controls on Homestead Village, Central Square, and Franklin Square.