

Fair Share Housing Center
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FILED APRIL 15, 2026
SUPERIOR COURT
CHANCERY DIVISION
Robert Malestein, P.J.CH.

Attorneys for Fair Share Housing Center
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**In the Matter of the
Application of the Township of
Carneys Point, County of
Salem.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Salem County
Docket No. SLM-L-15-25

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 via Michael J. Napuda, Esq. (of Masten & Ray), as well as Fair Share Housing Center, via counsel Ashley Lee, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Township of Carneys Point (the "Township" or "Carneys Point") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 17, 2025; and

WHEREAS, the above-named parties having previously

presented a consent order to the Court which was entered on December 5, 2025, and which consent order is incorporated herein by reference; and

WHEREAS, the Township having filed its Housing Element and Fair Share Plan ("HEFSP") on June 25, 2025 and implementing ordinances and resolutions on March 16, 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 complied with all terms outlined in the consent order; and

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

WHEREAS, the Court having reviewed the Township's HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the 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 15th day of April, 2026, **ORDERED** as follows:

1. The Township's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-11 (inclusive) and herein as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.
2. Subject to the satisfaction of the Conditions of this Order and the deadlines established therein, the Township of Carneys Point's Fourth Round Fair Share Plan (Exhibit P-3) 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 HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 43, the Township's Prior Round Obligation (1987-1999) is 184, the Township's Third Round Obligation (1999-2025) is 240, and the Township's Fourth Round Prospective Need (2025-2035) is 93 units.
5. The Township will address its Fourth Round Present Need/Rehabilitation Obligation via funds utilized from the Affordable Housing Trust Fund, or as an alternative, through participation in the Salem County Rehabilitation Program, administered with the use of Community Development Block Grant(s) program and HOME funds.

6. The Township's Prior Round Obligation is 184 and has been met with the following mechanisms:

Name of Project	# of Units	Bonus Credits	In SSA & Capacity
Soders Village (family rental) (existing)	48	46	Yes
Urban Renewal Housing (age-restricted rental) (existing)	46		Yes
Habitat for Humanity (family for-sale) (existing)	3		N/A
Frangible Disk (family rental)	41 (46 carried to R3)	46	Yes
Subtotal of Units	138		
Rental Bonus (.25 x 184=46)	46		
Total Credits	184		

7. The Township's Third Round Obligation is 240 and shall be met with the following mechanisms:

Name of Project	# of Units	Bonus Credits	In SSA & Capacity
Urban Renewal Housing (age-restricted rental) (existing)	60		Yes
Frangible Disk (family rental) (under construction)	46	36	Yes
Subtotal of Units	106		
Rental Bonus (.25 x 142 = 36)	36		
Total Credits	142		
Deficit (240-142)	98		

- The Township received court approval for a Durational Adjustment of the remaining 98-unit obligation.

8. The Township's Fourth Round Prospective Need Obligation is 93 and shall be met with the following mechanisms:

Name of Project	# of Units	Bonus Credits	In SSA & Capacity
140 Ives	1	.5	Yes
336 Jackson	1	.5	Yes
Sandy Ridge Inclusionary Zone	3.6		Yes
Moore's Landing Inclusionary Zone	7.2		Yes
150 Penns Grove-Auburn Road Inclusionary Zone	3.9		Partial
517 South Pennsville Auburn Road Inclusionary Zone	9.9		Yes
350-420 Georgetown Road	21.6		Yes
Subtotal of Units	48.2		
Bonus	1		
Total Credits	49.2 (50)		
Deficit (93-49)	44		

- The Township seeks continuation of the Durational Adjustment for the 98 unit Third Round Deficit and an expansion of the Durational Adjustment to include the 44-unit Fourth Round deficit.

i. As demonstrated, the Township does not have any capacity for water or sewer to support its entire Third and Fourth Round inclusionary housing obligation and thus is entitled to a Durational Adjustment in accordance with N.J.A.C. 5:93-4.3.

ii. Where the NJDEP or its designated agent approves a proposal for infrastructure to a site currently listed in the Fourth Round HEFSP for the development of very low, low, and moderate income housing, the Township shall permit such development and endorse all applications to

NJDEP or its agents to provide water and/or sewer capacity to the proposed site, provided that the Township does in fact have adequate water and/or sewer capacity to service the proposed development and that the proposed development is in conformity with the Fourth Round HEFSP, local land use law, and state land use law. The Township agrees to comply with N.J.A.C. 5:93-4.3 as follows:

1. The Township will seek court approval for, and FSHC will support, a continuation of the Durational Adjustment for the 98-unit Third Round Deficit and an expansion of the Durational Adjustment to include the 44-unit Fourth Round deficit. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address the Third and Fourth Round deficits shall be deferred until adequate water and/or sewer are made available.

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

- The Township by February 15, 2026, and annually, 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, shall provide the Department of Community Affairs with an up-to-date municipal status report based on its collection and publication of information concerning the number affordable of housing units actually constructed, construction starts, certificates of occupancy granted, the start and expiration dates of deed restrictions, and residential and non-residential development fees collected and expended, including purposes and amounts of such expenditures, along with the current balance in the municipality's affordable housing trust funds. 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 municipality 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 in the housing element and fair share plan 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.

10. 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.

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



Hon. Robert G. Malestein, P.J.Ch.

On behalf of the Township of Carneys Point:

s/ Michael Napuda

Michael J. Napuda, Esq.

On behalf of Fair Share Housing Center:

Laura S. Smith-Denker, Esq.

Laura S. Smith-Denker, Esq.

SCHEDULE 1

Exhibit P-1: DJ Complaint w/ Municipal Resolution
Filed 01/17/2025

Exhibit P-2: Order on Fair Share Obligations
Filed 04/28/2025

Exhibit P-3: Housing Element and Fair Share Plan
Filed 06/25/2025

Exhibit P-4: Municipal Resolution Adopting HEFSP
Filed 06/25/2025

Exhibit P-5: Municipal Resolution Endorsing HEFSP
Filed 06/25/2025

Exhibit P-6: FSHC Challenge Letter
Filed 08/26/2025

Exhibit P-7: Case Management Order
Filed 09/29/2025

Exhibit P-8: Consent Order
Filed 12/05/2025

Exhibit P-9: Decision and Order on HEFSP
Filed 02/20/2025

Exhibit P-10: Implementing Ordinances and Resolutions
Filed 03/16/2026
Combined Affordable Housing/Development Fee Ordinance
Spending Plan Resolution w/ attached Plan
Administrative Agent Resolution
Affordability Assistance Manual Resolution

Exhibit P-11: Affirmative Marketing Plan Resolution
TO BE FILED WITHIN 48 HOURS AFTER ADOPTION
ANTICIPATED ADOPTION - 04/15/2026