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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 Pittsgrove,
County of Salem.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Salem County
Docket No. SLM-L-20-25

**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 Nancy L. Holm, Esq. (of Surenian, Edwards, Buzak, and Nolan LLC), as well as Fair Share Housing Center, via counsel Laura S. Smith-Denker, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Township of Pittsgrove (the "Township" or "Pittsgrove") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 24, 2025; and

WHEREAS, the above-named parties having previously presented a consent order to the Court which was entered on December 8, 2025,

and which consent order is incorporated herein by reference; and

WHEREAS, the Township having filed its Fourth Round Housing Element and Fair Share Plan ("HEFSP") on May 28, 2025 and implementing ordinances and resolutions 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 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 Fourth Round 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; and

WHEREAS, the Court incorporates the Court's prior orders and for good cause shown:

IT IS on this 16th 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-7 (inclusive) and herein as the

"Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.

2. The Township of Pittsgrove's Fourth Round Fair Share Plan (Exhibit P-1) 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 by FSHC to the Township and good cause shown, at any time during the pendency of the Fourth Round Housing cycle in accordance with FHA requirements.

4. As per the Township's HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 25, the Township's Prior Round Obligation (1987-1999) is 58, the Township's Third Round Obligation (1999-2025) is 14, and the Township's Fourth Round Prospective Need (2025-2035) is 12 units.
5. For the Fourth Round, the Township has adjusted down its entire Fourth Round obligation through a durational adjustment due to its lack of water and sewer infrastructure.
6. The Township will address its Present Need of 25 via continued participation in the local housing rehabilitation program, administered by CGP&H with Small Cities Community Development Block Grant funds.
7. The Township's Prior Round Obligation is 58 and has been satisfied with the following mechanisms:

Pittsgrove Township Prior Round Compliance Mechanisms (Prospective Need: 58)	Credits	Bonuses	Total
Credits without controls	49	-	49
AWS Foundation Group Home: Morton Ave – 4 special needs rental bedrooms	4	-	4
AWS Foundation Group Home: Jesse Bridge Rd - 3 special needs rental bedrooms (3 of 4)	3 of 4	2	5
Total	56	2	58

8. The Township’s Third Round Obligation is 14 and has been satisfied with the following mechanisms:

Pittsgrove Township Third Round Compliance Mechanisms (Prospective Need: 14)	Credits	Bonuses	Total
100% Affordable Developments (Completed)			
AWS Foundation Group Home: Jesse Bridge Rd – 1 special needs rental bedroom (1 of 4, bal.)	1	1	2
AWS Foundation Group Home: Can House Rd – 5 rental bedrooms	5	2, capped	7
Bancroft Group Home: Centerton Rd – 5 special needs rental bedrooms	5	-	5
672-674 Gershal Ave – 2 municipally-sponsored, family for-sale units	2	-	3
46 Maple Ave – 1 municipally-sponsored family for-sale unit	1	-	1
100% Affordable Developments (Proposed)			
Accessory Apartment Program – 2 family rental units	2	-	2
383 Porchtown Road – 1 municipally-sponsored family for-sale unit (Proposed)	1	-	-
Total	17	3, cap	20

9. As stated above, the Township’s Fourth Round Obligation is 12 and the Township seeks a Durational Adjustment of the entirety of this obligation. Because the Township currently does not have public water and sewer, the Township and FSHC have agreed that the Township is entitled to a Durational Adjustment pursuant to N.J.A.C. 5:93-4.3. The Township has agreed to the following:

- Currently Unforeseen Sites Proposed for Inclusionary Development: Should an appropriate party propose inclusionary development on currently unforeseen sites within the Township with a realistic plan for providing public sewer and/or water and if the Township is unable to demonstrate that there is a realistic plan for public sewer/water to be provided to alternative sites within the Round for it to satisfy its fair share obligations, then the Township shall be required to expeditiously cooperate with the party in order to amend its HEFSP and to rezone the sites to permit the requested inclusionary development.

- i. Should the party and the Township disagree as to what is proposed, or the Township does not cooperate, the party may submit a motion to the Court in the Township's declaratory judgment action (or the appropriate alternative forum) for a summary determination, pursuant to Rule 4:46, as to whether what is proposed is consistent with sound land use planning and, if so, whether the Township must comply. If the Township is unable to demonstrate that there is a realistic opportunity for it to satisfy its fair share obligations on alternative sites before the end

of the Round, and if the proposal is consistent with sound land use planning, there shall be a presumption in favor of granting the party's request.

ii. The Township reserves the right to oppose a proposal for an inclusionary development in the process described above if it believes such proposal does not comply with principles of sound land use planning principles, and infrastructure planning, or if the potential developer fails to provide a feasible and realistic plan for providing public water and sewer to the property.

- Municipal Commitment to Assist in the Provision of Public Water and Sewer: The Township shall cooperate with appropriate parties, and act in good faith and with continuity of purpose, to assist any proposed inclusionary developments that comply with principles of sound land use planning and infrastructure planning in the Township in facilitating the provision of public water and sewer to those sites. Such cooperation shall include, but not be limited to, expeditiously supporting and endorsing and if necessary becoming a co-applicant on:

- i. Any application to the New Jersey Department of Environmental Protections ("NJDEP") or its agent to provide infrastructure for a site;
 - ii. Any applications for the inclusion of any parcels in any appropriate sewer service area or wastewater management plan;
 - iii. Any applications made to any State, county, local, or other body politic or utility authority necessary in order to provide public sewer and water service; and
 - iv. Any other reasonable steps necessary or required to help facilitate the provision of public water and sewer.
- Municipal Commitment to Reserve New Public Water and/or Sewer Capacity: Should public water and/or sewer become available in Pittsgrove, it shall be required, pursuant to N.J.A.C. 5:93-4.3(c)(1), to reserve and set aside the water and/or sewer capacity, when it becomes available, for very low-, low-, and moderate-income housing on a priority basis until it has satisfied its fair share obligations.

10. The Township and FSHC agree that following short and long term conditions remain to be met as conditions of compliance certification:

- Long Term: The Township will provide the following documentation related to 383 Porchtown Road Project: income breakdown, pro forma, and construction schedule upon transfer of the property from the Township to Habitat for Humanity. The Township will provide the affordability controls within thirty (30) days of recording.

11. 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, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number affordable of housing units actually constructed, construction starts, certificates of occupancy granted, 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 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 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.

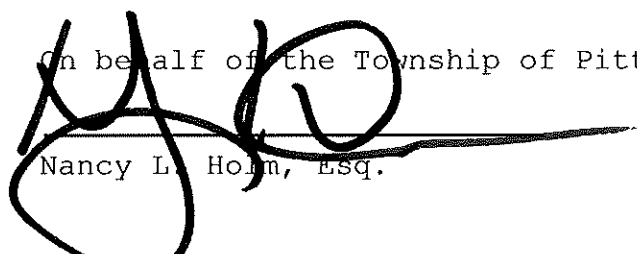
12. The Court shall retain jurisdiction for the limited purpose of allowing FSHC and the Township the opportunity to enforce the terms and conditions of this Certification of Compliance and Repose and the Township's adopted Fourth Round HEFSP.

13. 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 Pittsgrove:



Nancy L. Holm, Esq.

On behalf of Fair Share Housing Center:



Laura S. Smith-Denker, Esq.

Schedule-1

P-1: Housing Element and Fair Share Plan which was filed with the Program on May 28, 2025.

P-2: Ordinance No. 2026-02, Repealing and Replacing the Township's Affordable Housing Ordinance and Development Fee Ordinance.

P-3: Ordinance No. 2026-03, Revising the Township's Accessory Apartment Ordinance.

P-4: Resolution No. 49, Authorizing the Mayor to Execute an agreement with Salem Habitat for Humanity, along with the fully executed agreement.

P-5: Resolution No. 50, Adopting an updated Administrative Agent Operating Manual, with manual attached.

P-6: Resolution No. 52, Adopting an Affirmative Marketing Plan.

P-7: Township's 2025 Adopted Spending Plan.