

Fair Share Housing Center

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In the Matter of the
Application of the City of
Salem, County of Salem.

SUPERIOR COURT OF NEW JERSEY
Law Division, Salem County
Docket No. SLM-L-10-25

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 City via counsel Nicholas M. Ranieri Esq., as well as Fair Share Housing Center, via counsel Ashley J. Lee, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the City of Salem (the "City" or Salem") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 14, 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 City having filed its Housing Element and Fair Share Plan ("HEFSP") on June 27, 2026 and implementing ordinances and resolutions on March 11, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the City's filing in accordance with the parties' consent order and confirmed that the City has partially 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 City'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 27th day of April, 2026,

ORDERED as follows:

1. The City's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively

referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-5 (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 City of Salem'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 City 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 City'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 City 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 City'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 City and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle.

4. As per the City's HEFSP and earlier court orders, the City's Present Need or Rehabilitation Obligation is 10, the City's Prior Round Obligation (1987-1999) is 0, the City's Third Round Obligation (1999-2025) is 5, and the City's Fourth Round Prospective Need (2025-2035) is 3.
5. The City will address its Present Need of 10 units via 16 eligible units through the City's owner-occupied rehabilitation program.
6. The City's Prior Round obligation is 0 and thus no programs or units are needed.
7. The City shall satisfy its Third Round Prospective Need of 5 units and Fourth Round Prospective Need of 3 as follows:

<i>Harvest Point Apartments (Whispering Waters)</i>	Rent	Family	Existing	260
<i>Salem Senior Village Apartments</i>	Rent	Senior	Existing	54
<i>Salem Historic Homes I & II</i>	Rent	Family	Existing	48
<i>Nelson House–Washington Hall Condominiums</i>	Own	Family	Existing	30
<i>Salem Community Complex</i>	Rent	Family	Existing	6
<i>Linden Street Infill Homes</i>	Own	Family	Planned	6
			Total	404

8. The City and FSHC agree that following conditions remain to be met as conditions of compliance certification by June 30, 2026:

- The City shall provide the following documentation regarding the rehabilitation of Harvest Point I & II/Whispering Waters:
 - i. Financing, Deed Restriction and Regulatory Agreement between USDA and Harvest Point I & II/Whispering Waters
 - ii. LIHTC Agreement (Easement and Restrictive Covenants) between NJHMFA and Harvest Point I & II/ Whispering Waters
 - iii. Section 8 Use Agreement between HUD and Harvest Point I & II/ Whispering Waters
 - iv. Construction permits that detail rehabilitation work
- The City shall provide the following documentation regarding the developments at Salem Senior Village Apartments, Salem Historic Homes I & II, Nelson House, and Salem Community Complex:

- i. Certificate of occupancy
 - ii. Bedroom distribution and income breakdown
 - iii. Affordability controls within thirty (30) days of being recorded
- The City shall provide the affordability controls for Linden Street Infill Homes within thirty (30) days of being recorded.
 - The City shall provide the following administrative documents:
 - i. Rehabilitation program manual
 - ii. Affordability assistance program manual
9. The City's Compliance Certification shall be subject to required ongoing monitoring as follows:
- The City 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 City 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 City'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 City of Salem:



Nicholas M. Ranieri, Esq.

On behalf of Fair Share Housing Center:



Ashley J. Lee, Esq.

SCHEDULE-1

Exhibit P-1: Housing Element and Fair Share Plan, City of Salem

Exhibit P-2: Resolution designating the positions of Municipal Housing Liaison

Exhibit P-3: Resolution designating the position of Administrative Agent

Exhibit P-4: Affordable Housing/Development Fee Ordinance

Exhibit P-5: Resolution adopting an Affordable Housing Trust Fund and Spending Plan

Exhibit P-6: Resolution adopting an Affirmative Marketing Plan

FAIR SHARE HOUSING CENTER

Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
Joshua D. Bauers, Esq.
Ashley J. Lee, Esq.
Esmé M. Devenney, Esq.
Ariela Rutbeck-Goldman, Esq.
Joelle L. Paull, Esq.

April 27, 2026

Via eCourts and Electronic Mail

Hon. Robert G. Malestein, P.J.Ch.
Gloucester County Old Courthouse
1 North Broad Street, Floor 2
Woodbury, NJ 08096

Re: IMO the Application of Salem City
Docket No. SLM-L-10-25

Dear Judge Malestein:

Enclosed please find the consent order between Salem City and Fair Share Housing Center which has been executed by both parties. “The parties respectfully request that the court enter this order which upon completion of all conditions shall represent the final compliance certification contemplated in N.J.S.A. 52:27D-301 et. seq.”

Thank you for your attention to this matter.

Respectfully submitted,



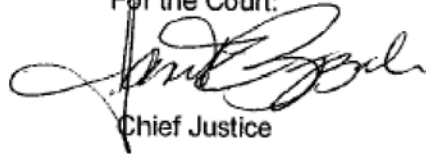
Ashley J. Lee, Esq.

Counsel to Fair Share Housing Center

SUPREME COURT OF NEW JERSEY

Pursuant to Rule 1:13-2(a), it is ORDERED that the payment of filing fees, other fees, and charges of public officers for service of process in connection with actions filed by the Fair Share Housing Center shall be waived; this Order is effective immediately and until further order of the Court.

For the Court:

A handwritten signature in black ink, appearing to read "Robert G. Sica", is written over a vertical line. The signature is fluid and cursive.

Chief Justice

Dated: January 16, 2007