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FILED
April 17, 2026
SOMERSET COUNTY SUPERIOR COURT
WILLIAM G. MENNEN, J.S.C.

In the Matter of the Application of the Township of Bernards, County of Somerset.	SUPERIOR COURT OF NEW JERSEY Law Division, Somerset County Docket No. SOM-L-157-25 **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 of Bernards, via counsel John P. Belardo, Esq. (of McElroy, Deutsch, Mulvaney & Carpenter, LLP), as well as Fair Share Housing Center, via counsel Joshua Bauers, Esq. (on behalf of Fair Share Housing Center); and

WHEREAS, the Township of Bernards (the "Township" or "Bernards") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 29, 2025, which was in turn challenged by Fair Share Housing Center and New Jersey Builders Association; and

WHEREAS, the Court entered an order on April 8, 2025 setting

the Township's Fourth Round fair share obligations as a Present Need of twenty-four (24) units and a Prospective Need of one hundred ninety-eight (198) units, which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Township having filed its HEFSP on May 22, 2025; and

WHEREAS, FSHC having filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's HEFSP on August 28, 2025 seeking additional information and documentation before the HEFSP may be approved by the Program and trial court; and

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

WHEREAS, the parties having entered into a consent order on December 17, 2025 outlining certain conditions of compliance; and

WHEREAS, the Court having reviewed the Township's HEFSP, attachments, and proposed implementing ordinances and resolutions 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;

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

IT IS on this 17th day of April, 2026, **ORDERED** as follows:

1. The Township's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, previously filed with the court as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.
2. The Township of Bernards's Fourth Round Fair Share Plan 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.

4. The Township's Present Need or Rehabilitation Obligation is twenty-four (24), the Township's Prior Round Obligation (1987-1999) is five hundred eight (508), the Township's Third Round Obligation (1999-2025) is eight hundred seventy-three (873), the Township's Fourth Round Prospective Need (2025-2035) is one hundred ninety-eight (198).

5. The Township will address its Present and Prospective Need as described in the May 20, 2025 adopted Housing Element and Fair Share Plan filed with the court and the Program on May 22, 2025.

6. 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 of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and 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 Township 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 as set forth 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.

7. 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.

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

Hon. William G. Mennen, J.S.C.

On behalf of the Township of Bernards:

John P. Belardo

John P. Belardo, Esq.

On behalf of Fair Share Housing Center:

Joshua Bauers

Joshua D. Bauers, Esq.