

FILED

April 15, 2026

SOMERSET COUNTY SUPERIOR COURT
WILLIAM G. MENNEN, J.S.C.

Fair Share Housing Center
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In the Matter of the
Application of the Township of
Branchburg, County of
Somerset.

SUPERIOR COURT OF NEW JERSEY
Law Division, Somerset County
Docket No. SOM-L-142-25

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 Branchburg via counsel William J. Willard, Esq., of the law firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., as well as Fair Share Housing Center, via counsel Joshua D. Bauers, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Township of Branchburg (the "Township" or "Branchburg") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 28, 2025; and

WHEREAS, the above-named parties having previously

presented a consent order to the Court which was entered on January 8, 2026, and which consent order is incorporated herein by reference;

WHEREAS, the Township having filed its Fourth Round Housing Element and Fair Share Plan ("HEFSP") on June 25, 2025 and its implementing ordinances and resolutions on March 13, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the Township's filing in accordance with the parties' settlement agreement and confirmed that the Township has complied with all terms outlined in the settlement agreement; and

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

WHEREAS, the Court having reviewed the Township's HEFSP, and implementing ordinances and resolutions, incorporating therein any changes from the Program and 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 HEFSP filed with the Court on June 25, 2025 and applicable implementing ordinances and resolutions filed with the Court on March 13, 2026 as Exhibits A-E, collectively referenced herein as the "HEFSP, Implementing Ordinances & Resolutions" are hereby admitted into evidence and entered into the record.
2. The Township of Branchburg's HEFSP 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 the period July 1, 2025 through June 30, 2035

and thereafter provided the Township complies with the filing and certification process set forth in the Fair Housing Act for the Fifth Round. During this 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. Any noncompliance of the Township during this period of immunity shall be addressed in accordance with the provisions of the Fair Housing Act.

4. As per the Township's HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 0, the Township's Prior Round Obligation (1987-1999) is 302, the Township's Third Round Obligation (1999-2025) is 1,000, and the Township's Fourth Round Prospective Need (2025-2035) is 255 units.

5. The Township does not have a present need obligation.

6. The Township's Prior Round Obligation is 302 and has been met with the following mechanisms:

NAME	TYPE/TENURE	UNITS	BONUSES	STATUS
Regional Contribution Agreement (New Brunswick)	RCA	100	0	complete
Cedar Brook	Family/for-sale	40	0	complete

Whiton Hills	Age-restricted/rental	30	4	complete
Whiton Hills	family/rental	43	43	complete
Terrace Edgewood	Family/rental	4	4	complete
Midland	Supportive/special needs	17	17	complete
Midland	Supportive/special needs	7	7	unbuilt
Prior Round Total: 316		241	75	
Prior Round Surplus:14				

7. The Township's Third Round Obligation is 1,000 and has been met with the following mechanisms:

NAME	TYPE/TENURE	UNITS	BONUSES	STATUS
Cedar Brook	Prior Round surplus	14	0	complete
Summit Green	Supportive/special needs	39	0	Under construction
Midland	Supportive/special needs	4 complete; 7 unbuilt	0	Partially satisfied
Cedar Brook	Extension of Controls	40	0	complete
Conifer/Triangle Site	100% affordable age-restricted/rental	100	100	complete
Cornerstone	100% affordable age-restricted/rental	75	0	complete

Cornerstone	100% affordable age-restricted/rental	75	0	complete
Henderson/Genesis	100% affordable family/rental	9	9	Awaiting site plan approval
TJC/Premier	Age-restricted rental - Municipally Sponsored	40	0	approved
Advance/Fox Hollow	Family/rental	28	28	complete
River Trace	Family/for-sale	11	0	complete
North Branch Walk	Family/rental	91	91	under construction
Summit Green	Family/rental	92	22	under construction
Judelson/Glen Willow	Family rental (31) family for-sale (40) age-restricted rental (28) age-restricted for-sale (26)	125	0	under construction
Third Round Total:993		743	250	
Third Round unsatisfied obligation: 7*				

*obligation carried over to the Fourth Round

8. The Township shall satisfy its Fourth Round Prospective

Need of 255 units as follows:

NAME	TYPE	UNITS	BONUSES	STATUS
Whiton Hills	Extension of Controls (age-restricted/rental)	30	15	proposed

Whiton Hills	Extension of Controls (family/rental)	44	22	proposed
Evans Way/KRE	Family/rental	80	0	proposed
Vollers/Premier	Family (46) supportive/special needs (4)	50	23	proposed
147 Stony Brook Road	Supportive/special needs	4	4	proposed
Fourth Round Credits:272		208	64	
Third Round Obligation Carried over: 7 units		-7		
Fourth Round Total: 265				
Fourth Round Surplus: 10				

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

- The Township shall upload to eCourts deed restrictions for sites that are under construction as those developments come online.
- The Township annually by February 15 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

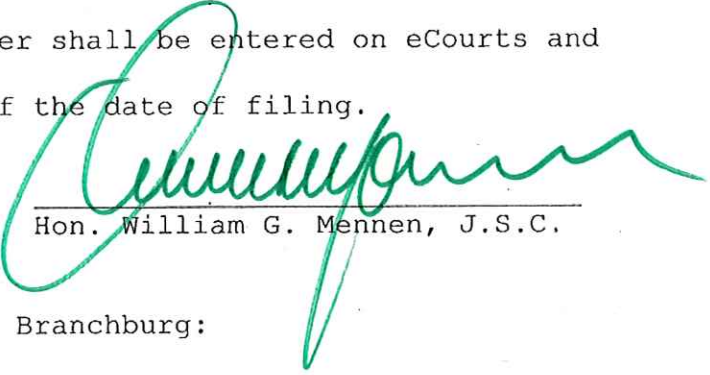
fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st in accordance with N.J.S.A. 52:27D-329.2 of the Fair Housing Act.

- The Township annually by February 15 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 in accordance with N.J.S.A. 52:27D-329.4 of the Fair Housing Act.
- 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.

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.



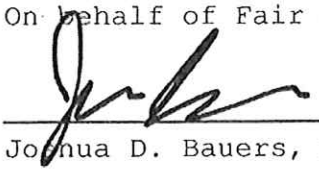
Hon. William G. Mennen, J.S.C.

On behalf of the Township of Branchburg:

/s/ *William Willard*

William J. Willard, Esq.

On behalf of Fair Share Housing Center:



Joshua D. Bauers, Esq.