

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF ANDOVER, SUSSEX
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2 (N.J.S.A.
52:27D-304.1, et seq.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
SUSSEX COUNTY
DOCKET NO. SSX-L-41-25

FILED
APR 15 2026
Janine M. Allen, J.S.C.

Civil Action
Mt. Laurel Program

**CERTIFICATION OF COMPLIANCE
AND REPOSE FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 20, 2025 (“DJ Complaint”) by the Petitioner, TOWNSHIP OF ANDOVER (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA;

AND THE COURT, having entered a Consent Order on February 24, 2026 (“Approval Order”) for the Municipality to meet and ensure satisfaction of its previously fixed “present need” obligation of 11 affordable housing units, and a “prospective need” obligation of 69 affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”)¹, and therein

¹ Per prior Court order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle dated April 24, 2025.

authorizing the Municipality to adopt its implementing Ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

AND IT APPEARING that, the Municipality, upon having given due notice to all interested parties as provided for by the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12, et seq. and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., as required, adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round Housing Element and Fair Share Plan (“HEFSP”), incorporating therein any changes from the Program and this Court’s prior Order, and on March 12, 2026, for the implementation of its Fourth Round Affordable Obligation, and thus by or before March 15, 2026;

AND THE COURT, having previously and here again determined that the Municipality’s Fourth Round HEFSP is fair and reasonable to the region’s low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), *aff’d o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and, therefore, approved by the Court;

AND THE COURT, having been satisfied and further determined that the Municipality has timely adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round HEFSP, incorporating therein any changes from the Program and this Court’s prior Order(s), and for the satisfaction of its Fourth Round Affordable Obligation, as provided for and in accordance with N.J.S.A. 52:27D-304.1f (2)(c) of the FHA and Section III.A of Directive #14-24 (as amended), and which Plan contained the elements set forth in the “Addendum” attached to Directive #14-24 (as amended), having thereby qualified for immunity, and for good cause having otherwise been shown:

IT IS on this 15th day of April 2026, **ADJUDGED AND ORDERED**, as follows:

1. That Exhibit P-1 (the Fourth Round HEFSP), and Exhibit P-2 (adopted Implementing Ordinance(s)), are hereby admitted into evidence and entered into the record.

2. That the Municipality has provided adequate notice of its proposed Implementing Ordinance(s) for implementation of its approved Fourth Round HEFSP to the public and all interested parties and in strict accordance with the Court's prior Approval Order.

3. That the Municipality's approved Fourth Round HEFSP and constituent compliance mechanisms contained therein, and the Implementing Ordinance(s), are hereby determined to be fair and reasonable to the interests of the region's low- and moderate-income households and to represent a realistic opportunity for the provision of affordable housing in accordance with the Mt. Laurel doctrine, and specifically in accordance with the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), *aff'd o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

4. That the Municipality and those parties implicated or otherwise involved and referenced therein are directed and ordered to proceed, *forthwith*, to implement the approved Fourth Round HEFSP and approved compliance mechanisms contained therein and in accordance with its terms.

5. That the Municipality's immunity from builder's remedy and/or exclusionary zoning litigation, be, and is hereby continued and shall remain in full force and effect for the Fourth Round period of July 1, 2025 to June 30, 2035, *subject, however*, to revocation or other Order of the Court that does or may hereafter issue, on notice of motion to the Municipality and all interested

parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle..

6. That the oral opinion of this Court, issued on this date, April 15, 2026, is hereby incorporated by reference as if set forth at length herein; and

7. **That the Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Municipality's adopted Fourth Round HEFSP.**

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel, and counsel for all Challengers upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:



HON. JANINE ALLEN, J.S.C.

Designated Mt. Laurel Judge – Morris/Sussex Vicinage

(X) By the Court.

On this date, pursuant to R. 1:6-2, the Court's Statement of Reasons has been set forth on the record.

DOCUMENTS MARKED INTO EVIDENCE

P-1: Fourth Round Housing Element and Fair Share Plan of Andover Township.

P-2: Adopted Implementing Ordinance(s) for the Fourth Round HEFSP.