

**PREPARED BY THE COURT:**

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE BOROUGH  
OF ROSELLE PARK, UNION  
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  
UNION COUNTY  
DOCKET NO. UNN-L-355-25

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 24, 2025 (“DJ Complaint”) by the Petitioner, **BOROUGH OF ROSELLE PARK** (“Petitioner” or “Borough” or “Roselle Park”), 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 its “*Consent Order for Conditional Compliance Certification*” on December 8, 2025 (“Approval Order”) for the Borough to meet and ensure satisfaction of its previously fixed “present need” obligation of 78 affordable housing units, and a “prospective need” obligation of 75 affordable housing units (collectively, the “Fourth Round”

Affordable Housing Obligation”),<sup>1</sup> and therein authorizing the Borough to adopt its implementing Ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

**AND IT APPEARING** that, the Borough, 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 addressing all terms, conditions or other requirements or responsibilities set forth in the Approval Order on or before **March 10, 2026**, for the implementation of its Fourth Round Affordable Obligation, and thus by or before March 16, 2026;

**AND THE COURT**, having previously and here again determined that the Borough’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 Borough 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-

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<sup>1</sup> Per prior “*Decision and Order Fixing Municipal Obligations for ‘Present Need’ and ‘Prospective Need’ for the Fourth Round Housing Cycle*” of this Court entered on **March 27, 2025** (see Trans. ID: **LCV2025952074**).

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 1<sup>st</sup> day of APRIL, 2026, ADJUDGED AND ORDERED,** as follows:

1. That the approved Fourth Round HEFSP (Exhibit P-3 supplementing the Amended HEFSP Plan adopted by Resolution on June 19, 2025 [LCV20251812891]), and applicable implementing ordinances and resolutions, collectively referenced at SCHEUDLE-1 hereto as Exhibit P-1 through Exhibit P-9 (inclusive) and herein as the “Implementing Ordinances & Resolutions”, are hereby admitted into evidence and entered into the record. All exhibits were filed with the Court by uploading same on eCourts by cover letter dated 3/10/26 [LCV2026606303], which cover letter, being executed by counsel, was deemed a certification of counsel. (R. 1:4-8(a)).

2. That the Borough has provided adequate notice of its proposed and adopted Implementing Ordinances & Resolutions 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 Borough’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 Borough 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 Borough'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 Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle..

6. **That the Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Borough'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. DANIEL R. LINDEMANN, J.S.C.**  
*Designated Mt. Laurel Judge – Union 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.**

(X) Uncontested; by the Court.

**R. 1:7-4(a):** Having reviewed and considered the Borough's adopted and approved HEFSP, together with the now adopted Implementing Ordinances & Resolutions for the effectuation and implementation of the same, the Court is satisfied that the HEFSP, as adopted and endorsed by the Borough, and the accompanying and now timely adopted Implementing Ordinances & Resolutions, is fair and equitable, shall provide a "realistic opportunity" for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Borough, and is thereby in the best interests of the protected class of low- and moderate-income households in the Borough. This Certification of Compliance confirms the Borough's complete and satisfactory compliance with the provisions and requirements of the FHA and Directive #14-24. Accordingly, the Court hereby APPROVES of the Borough's adopted HEFSP, Implementing Ordinances & Resolutions, and herewith issues its **Certification of Compliance** and repose in accordance with the FHA and Directive #14-24. As a result, the Borough of **Roselle Park** retains all the protections of the above-referenced amendments to the FHA, shall continue to retain immunity from builder's remedy and/or exclusionary zoning litigation, and that the Court shall retain jurisdiction for purpose of enforcing the terms and conditions of this Certification of Compliance and repose and the Borough's adopted Fourth Round HEFSP, in accordance with the statutory framework and AOC Directive #14-24.

The Court's Certification of Compliance and Repose implementing the Court's Decision accompanies this statement of reasons.

**SO ORDERED.**

**SCHEDULE-1**  
**DOCUMENTS MARKED INTO EVIDENCE**

**P-1 Documents for the Allies, Inc. Group Home located on Block 1005, Lot 11:** Attached hereto as Exhibit A, please find the deed, facility survey, license, and mortgage agreement with the State for the Allies, Inc. group home.

**P-2 510 Chestnut Street and 129/133 West Westfield Avenue Redevelopment Projects:** Attached hereto as part of Exhibit B please find Redevelopment Plans for both projects

**P-3 Amend the HEFSP to Allocate Bonus Credits:** The Borough does not need to amend its Fourth Round Housing Element and Fair Share Plan, as the June 2025 plan already has an extensive section that includes a breakdown and allocation of all bonus credits. See attached Exhibit C, which includes the relevant pages of the June 2025 plan.<sup>1</sup>

**P-4 Spending Plan:** Attached hereto as Exhibit Dis the Borough's adopted Fourth Round Spending Plan.

**P-5 Rehabilitation Manual:** Attached hereto as Exhibit E Is the Borough's adopted Rehabilitation Manual.

**P-6 Affordable Housing Ordinance and Development Fee Ordinance:** Attached hereto as Exhibit F is the Borough's adopted Affordable Housing Ordinance and adopted Development Fee Ordinance.

**P-7 Affirmative Marketing Plan:** Attached hereto as Exhibit G is the Borough's adopted Fourth Round Affirmative Marketing Plan.

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<sup>1</sup> In addition to the documentation being submitted with this letter to meet the March 15, 2026 deadline, the Township submitted earlier letters on August 27, 2025 [LCV20252344701] and October 17, 2025 [LCV20252817820] with attached additional compliance documentation, all of which is incorporated by reference herein.