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FILED

APR 29 2026

DANIEL R. LINDEMANN
J.S.C.

In the Matter of the Application
of the Township of Scotch Plains,
County of Union.

SUPERIOR COURT OF NEW JERSEY
Law Division, Union County
Docket No. UNN-L-314-25

CIVIL ACTION

**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 Scotch Plains (the "Township") via counsel Corrine LaCroix Tighe, Esq. (of Hoagland, Longo, Moran, Dunst & Doukas, LLP), as well as Fair Share Housing Center, via counsel Joelle Paull, Esq. (on behalf of Fair Share Housing Center), seeking a Fourth Round Certification of Compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Township having filed a binding resolution and declaratory judgment action, pursuant to N.J.S.A. 52:27D-301 at seq. and Administrative Office of the Courts Directive #14-24 with

REASONS SET FORTH ON RECORD ON 4/29/26.

the Affordable Housing Dispute Resolution Program (the "Program") on January 22, 2025; and

WHEREAS, the Township having filed an adopted Fourth Round Housing Element and Fair Share Plan by the required June 30, 2025 FHA deadline, and FSHC having filed a challenge to same by the required August 31, 2025 FHA deadline; and

WHEREAS, the above-named parties having previously presented a consent order to the Court which was entered on December 15, 2025, and which consent order is incorporated herein by reference (the "12/15 Consent Order"); and

WHEREAS, the Township having filed an adopted Amended Housing Element and Fair Share Plan (the "Amended HEFSP") on March 12, 2026, and having filed its implementing ordinances and resolutions on March 12, 2026 and March 13, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the Township's filing in accordance with the 12/15 Consent Order and confirmed that the Township has complied with all material terms outlined in the 12/15 Consent Order; and

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

WHEREAS, the Court having reviewed the Amended HEFSP, attachments, 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 29th day of April, 2026,

ORDERED as follows:

1. The Township's Fourth Round HEFSP, the Amended Fourth Round HEFSP, and the applicable implementing ordinances and resolutions, filed in the above-captioned action on March 12, 2026 and March 13, 2026 and collectively referenced herein as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.
2. Subsequent to the satisfaction of the Conditions of Paragraph 11 of this Order and the deadline established therein, the Township's Amended Fourth Round HEFSP, filed in the above-captioned action on March 12, 2026 and referenced herein as "Amended HESFP", 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 hereby 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 FHA. The Township'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 Township and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing Cycle.
4. As per the Township's Amended HEFSP and earlier court orders, the Township's Present Need or Rehabilitation Obligation is 53, the Township's Prior Round Obligation (1987-1999) is 182, the Township's Third Round Obligation (1999-2025) is 598, and

the Township's Fourth Round Prospective Need (2025-2035) is 213 units.

5. The Township will address its Present Need of 53 units via participation in the Union County Home Improvement Program and the Township's Home Improvement Program administered by the Township's Administrative Agent.

6. The Township has satisfied its Prior Round obligation of 182 as follows:

- 6 affordable inclusionary family rental units from the completed Lambert Mills Village project (Block 13501, Lot 20.01).
- 22 affordable inclusionary age-restricted rental units from the completed 2002 Lake Avenue project (Block 12801, Lot 14).
- 16 affordable inclusionary family for-sale units from the completed Donato Site project (Block 4901, Lot 3).
- 14 affordable special needs rental units from the completed Center for Hope Hospice project (Block 13901, Lot 9).
- 3 affordable bedroom credits from the completed 1966 Raritan Road Group Home (Block 12502, Lot 7).
- 3 affordable bedroom credits from the completed 1746 Martine Avenue Group Home (Block 12401, Lot 24).

- 91 credits from a Regional Contribution Agreement ("RCA") with the City of Linden.
 - 33 bonus credits allocated within the crediting chart contained in the Amended HEFSP.
7. The Township prepared a VLA for the Third Round, dated January 6, 2018, which established a Third Round RDP of 165 and left the Township with a remaining "unmet need" of 433. This VLA was included as an appendix in the Township's Third Round Housing Element and Fair Share Plan, which was adopted by the Township's Planning Board on October 10, 2018 and endorsed by the Township Council on October 16, 2018 by Resolution No. 2018-160. The Third Round RDP was approved by the Court via a conditional Judgment of Compliance and Repose ("JOR") Order entered on January 11, 2019, followed by a final JOR Order entered on November 30, 2020. As revised and agreed upon in the 12/15 Consent Order and reflected in the Township's Amended HEFSP, the Township increased its Third Round RDP to 195 units due to the provision of additional affordable units from projects that were not included in the Township's Third Round HEFSP. The Township satisfies its amended Third Round RDP of 195 units through 201 units/credits as follows:
- 19 affordable inclusionary family rental units from the proposed Amberg Site project located at 2100 Lamberts Mill (Block 13501, Lot 21.01).

- 2 affordable inclusionary family rental units from the proposed North Avenue Interested Party Site project located at 2344 North Avenue (Block 8301, Lots 5 and 7).
- 9 affordable inclusionary family for-sale units from the proposed 725-735 Jerusalem Road project (Block 6201, Lots 13 and 16.02, and Van Orden right-of-way).
- 6 affordable inclusionary family rental units from the under-construction Elite Properties project located at 1770-1772, 1774-1778 and 1782 East Second Street (Block 1201, Lots 21-23).
- 9 affordable inclusionary family rental units from the under-construction 1805 Front Street, LLC project located at 1815 Front Street (Block 1001, Lot 59.0101).
- 10 affordable inclusionary age-restricted rental units from the under-construction Benchmark Senior Living and Memory Care Facility located at 1814, 1820, and 1830 Raritan Road (Block 13901, Lots 4-6).
- 34 affordable inclusionary family rental units from the completed Orchid Park (Parker Gardens) project located at 1325-1371 Terrill Road (Block 12001, Lots 4-7).
- 35 affordable inclusionary family rental units from the completed Glenside (Former Bowcraft Site) project located at 2545 Route 22 (Block 4802, Lots 9-12).

- 4 affordable inclusionary age-restricted rental units from the completed 2002 Lake Avenue project (Block 12801, Lot 14).
 - 2 affordable bedroom units from the completed Homefirst Group Home located on Mountain Avenue (moved from the 547-549 Park Avenue project located at Block 1401, Lot 13).
 - 3 bedroom units from the completed 524 Westfield Road Group Home project (Block 2501, Lot 16).
 - 3 bedroom units from the completed 1391 Terrill Road Group Home project (Block 12001, Lot 9).
 - 3 bedroom units from the completed 970 Raritan Road Group Home project (Block 16001, Lot 5).
 - 14 credits from a Regional Contribution Agreement ("RCA") with the City of Linden.
 - 48 bonus credits allocated within the crediting chart contained in the Amended HEFSP.
8. As revised and agreed upon in the 12/15 Consent Order and reflected in the Amended HEFSP, the Township reduced its Third Round Unmet Need to 397 units, calculated by subtracting 201 units/credits from the Township's 598-unit Third Round Prospective Need obligation, due to the provision of additional affordable units/credits towards satisfaction of

the Township's Third Round RDP from projects which were not included in the Township's Third Round HEFSP. The Township addresses its amended Third Round Unmet Need of 397 units as follows:

- 28 affordable units from an Inclusionary Overlay Zone on Jerusalem Road, adopted via Ordinance No. 2019-9, which requires a 15% affordable housing set-aside for rental units and a 20% affordable housing set-aside for for-sale units at 12 dwelling units per acre.
- 10 affordable units from an Inclusionary Overlay Zone along Waldheim Avenue and Beryllium Road, adopted via Ordinance No. 2019-10, which requires a 15% affordable housing set-aside for rental units and a 20% affordable housing set-aside for for-sale units at 9 dwelling units per acre.
- 103 affordable units from tiered densities in the Downtown Affordable Housing Overlay Zone, distributed as follows:
 - i. 68 affordable units from Downtown Affordable Housing Overlay Zone - Tier 1, adopted via Ordinance No. 2020-9, which requires a 15% affordable housing set-aside for rental units and a 20% affordable housing set-aside for for-sale units at 20 dwelling units per acre.

- ii. 20 affordable units from Downtown Affordable Housing Overlay Zone - Tier 2, adopted via Ordinance No. 2020-10, which requires a 15% affordable housing set-aside for rental units and a 20% affordable housing set-aside for for-sale units at 15 dwelling units per acre.
 - iii. 15 affordable units from Downtown Affordable Housing Overlay Zone - Tier 3, adopted via Ordinance No. 2020-11, which requires a 15% affordable housing set-aside for rental units and a 20% affordable housing set-aside for for-sale units at 12 dwelling units per acre.
 - 70 credits from a Regional Contribution Agreement ("RCA") with the City of Linden.
 - Mandatory Set-Aside Ordinance ("MSO"), adopted via Ordinance No. 2018-34, which requires multi-family residential developments of at least five (5) dwelling units or more to produce affordable units at a set-aside rate of 15% for rental units and 20% for for-sale units.
9. As per the Township's HEFSP adopted by the Planning Board on June 16, 2025, endorsed by the Township Council on June 18, 2025, and filed with the Program and Court on June 24, 2025, the Township has conducted a VLA for the Fourth Round, which concluded that the Township has a Fourth Round RDP of 99. As

revised and agreed upon in the 12/15 Consent Order and reflected in the Amended HEFSP, the Township adjusts its Fourth Round RDP to 72 units due to the allocation of affordable units from RDP-generating properties in the Fourth Round VLA towards the Township's Third Round RDP. The Township addresses its revised Fourth Round RDP of 72 units through 98 units/credits as follows:

- 53 affordable inclusionary family rental units from the Tier 1, Phase 1 Redevelopment Plan (Block 1104, Lot 16; Block 1105, Lots 1.02 and 1.03; Block 1201, Lot 31.02; Block 1501, Lots 10 and 11; and Block 1601, Lots 13 and 14).
- 5 affordable inclusionary family rental units from the 350 Forest Road project located at Block 1601, Lot 9.02 and a portion of Lot 9.
- 6 affordable age-restricted units from the Our Lady of Fatima House project located at 2032 Westfield Avenue (subdivision of Block 2401, Lot 1).
- 16 extensions of expiring affordability controls credits from the Donato Site (The Reserve) located at Block 4901, Lot 3.
- 18 bonus credits allocated within the crediting chart contained in the Amended HEFSP.

10. As revised and agreed upon in the 12/15 Consent Order and reflected in the Amended HEFSP, the Township adjusted its Fourth Round Unmet Need to 115 units, calculated by subtracting 98 units/credits from the Township's 213-unit Fourth Round Prospective Need obligation, due to the allocation of affordable units from RDP-generating properties in the Fourth Round VLA towards the Township's Third Round RDP. The Township addresses its amended Fourth Round Unmet Need of 115 units as follows:

- 207 affordable units, for which a net yield of 104 affordable units shall be credited towards the Fourth Round, from amending the Downtown Affordable Housing Overlay Zone as follows:
 - i. 135 affordable units, for which a net yield of 67 affordable units shall be credited towards the Fourth Round, from amending the Downtown Affordable Housing Overlay Zone - Tier 1 to require a 20% affordable housing set-aside for both rental units and for-sale units at a density of 30 dwelling units per acre.
 - ii. 40 affordable units, for which a net yield of 20 affordable units shall be credited towards the Fourth Round, from amending the Downtown Affordable Housing Overlay Zone - Tier 2 to require a 20%

affordable housing set-aside for both rental units and for-sale units at a density of 22.5 dwelling units per acre.

- iii. 32 affordable units, for which a net yield of 17 affordable units shall be credited towards the Fourth Round, from amending the Downtown Affordable Housing Overlay Zone - Tier 3 to require a 20% affordable housing set-aside for both rental units and for-sale units at a density of 20 dwelling units per acre.
- 11 units from adopting the B2 South Avenue Overlay Zone, which will require a density of 20 dwelling units per acre and a minimum 20% affordable housing set-aside for both rental and for-sale units.
- The Township may satisfy additional units of its Fourth Round Unmet Need through one or more of the following:
 - i. Affordable inclusionary family rental units (number TBD) from the 2446 Morse Avenue project located at Block 7802, Lots 13 and 14.
 - ii. New and/or extended deed-restricted affordable age-restricted units from the 2002 Lake Avenue site (Block 12801, Lot 14) produced through the

RFP/Q process currently underway for the property.

iii. Affordable units designated for at-risk veterans generated from the potential redevelopment of the American Legion property located at 237 Park Avenue (Block 1803, Lot 1).

iv. Extension of Expiring Controls.

v. The Township will amend the existing MSO to require multi-family residential developments of at least five (5) dwelling units or more to produce affordable units at a set-aside rate of 20% for both rental and for-sale units.

11. The Township and FSHC agree that the following conditions remain to be met as conditions of compliance certification:

- The Township shall amend its Affordable Housing Ordinance No. 2026-7 to decrease the amount in maximum fines that can be levied against tenants and owners to \$2,000.00.
- The Township shall amend its Spending Plan to provide a table(s) itemizing the projected revenue sources; to specify the use on new construction projects; to provide for a minimum 30% set-aside for affordability assistance programs or provide justification for the need to set aside a lower amount; and to remove the existing balance

from the calculation of the 20% cap on administrative fees.

- The Township shall provide the above by August 1, 2026.

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

- The Township, by February 15, 2026, and annually thereafter, agrees to electronically enter data into the AHMS system of the Department of Community Affairs with 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 thereafter, 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

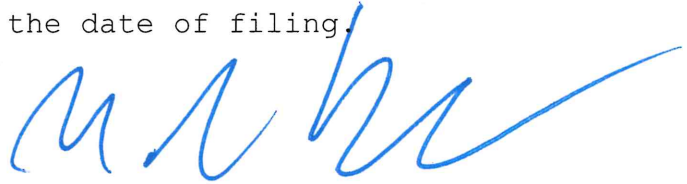
development fees collected and expended, including purposes and amounts of such expenditures, along with the current balance in the municipality's affordable housing trust funds. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing 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.

13. 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.

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



Hon. Daniel R. Lindemann

On behalf of the Township of Scotch Plains:



Corrine LaCroix Tighe, Esq.

On behalf of Fair Share Housing Center:



Joelle L. Paull, Esq.

See Schedule - 1 attached hereto,
as referenced on the Record on 4/29/26.

SCHEDULE-1
DOCUMENTS MARKED INTO EVIDENCE

- P-1. Planning Board Resolution Adopting Amended Fourth Round Housing Element and Fair Share Plan;
- P-2. Resolution 2026-65 Endorsing Amended Fourth Round Housing Element and Fair Share Plan;
- P-3. Ordinance 2026-1 Downtown Affordable Housing Overlay Zone – Tier 1;
- P-4. Ordinance 2026-2 Downtown Affordable Housing Overlay Zone – Tier 2;
- P-5. Ordinance 2026-3 Downtown Affordable Housing Overlay Zone – Tier 3;
- P-6. Ordinance 2026-4 Morse Avenue Affordable Housing Overlay Zone;
- P-7. Ordinance 2026-5 B-2 South Avenue Affordable Housing Overlay Zone;
- P-8. Ordinance 2026-7 Affordable Housing Ordinance;
- P-9. Resolution 2026-76 Adopting Spending Plan with copy of plan; and
- P-10. Resolution 2026-77 Adopting Affirmative Marketing Plan with copy of plan.
- P-11. Resolution 2026-78 Adopting Home Improvement Program Manual with copy of manual;
- P-12. Resolution 2026-84 Authorizing Affordability Assistance Manual with copy of manual;
- P-13. Resolution 2026-85 Adopting Administrative Agent Operating Manual with copy of manual.