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**IN THE MATTER OF THE
 APPLICATION
 OF THE BOROUGH OF
 HADDONFIELD, COUNTY OF
 CAMDEN.**

SUPERIOR COURT OF NEW JERSEY
 CAMDEN COUNTY
 LAW DIVISION

DOCKET NO: CAM-L-2596-15

**ORDER GRANTING A
 CONDITIONAL JUDGMENT OF
 COMPLIANCE AND REPOSE**

THIS MATTER being opened to the Court by the Petitioner, the Borough of Haddonfield (“Borough”) seeking the Court’s approval of the Borough’s adopted and endorsed Third Round Housing Element and Fair Share Plan (“HE&FSP”) pursuant to N.J.S.A. 52:27D-13, and In Re N.J.A.C. 5:96 and In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”) and the entry of a Third Round Conditional Judgment of Compliance and Repose confirming the Borough’s compliance with its Fair Share Obligation under the Mount Laurel doctrine and the Fair Housing Act (“FHA”); and the Court having conducted a Compliance hearing on February 20, 2020 regarding the Settlement Agreement entered into by the Borough and the Fair Share Housing Center (“FSHC”); and

WHEREAS, the Court having considered (a) the February 18, 2020 and revised February 24, 2020 Report of the Court Special Master Francis J. Banisch, III, AICP, PP, and the direct testimony of Mr. Banisch, (b) the testimony of Borough resident, Barry J. Brady, (c) the comments put on the record with regard to the Borough's Third Round Compliance Plan by the attorney for the Petitioner and the attorney for FSHC; and

The Court having found the following facts:

1. The Borough entered into a Settlement Agreement with FSHC on April 2, 2019. This Settlement Agreement was approved by Court Order dated July 1, 2019. Said Settlement Agreement is intended to be implemented by the Borough's Third Round HE&FSP which was adopted by the Borough's Planning Board on November 13, 2019 and endorsed by the Borough Commissioners on December 17, 2019.
2. The Court-approved Settlement Agreement stipulated that the Borough has a Fair Share Obligation for the period from 1987 through July 1, 2025 as follows:
 - a. Present need (Rehabilitation): 11 units
 - b. Prior Round (1987-1999): 192 units
 - c. Third Round (1999-2025): 320 units
3. The Settlement Agreement provides that the Borough has a Realistic Development Potential ("RDP") of 83 units and an unmet need of 429 units.
4. The HE&FSP addresses the Fair Share Obligation set forth above.
5. The Court appointed Special Master, Francis J. Banisch, III, AICP, PP, reviewed the HE&FSP and the Settlement Agreement dated February 26, 2019 as accepted by the Borough on April 2, 2019 and submitted a report dated February 18, 2020

and a revised report dated February 24, 2020. These reports find that the HE&FSP and the Third Round Settlement Agreement creates a realistic opportunity for the provision of sufficient very low, low and moderate income housing during the period 1987 to July 1, 2025 to satisfy the stipulated Municipal Housing Fair Share Obligation provided the Borough take certain additional steps specified as conditions in the Special Master's amended report dated February 24, 2020. In his reports, the Special Master recommended that the Court approve the HE&FSP and the Settlement Agreement subject to those conditions set forth by the Special Master on the record. The Special Master also testified at the Compliance Hearing that his recommendation for the approval of the HE&FSP and the Settlement Agreement need not be delayed to await satisfaction of the additional conditions recommended by the Special Master and FSHC.

6. Based upon the written reports of the Special Master, which are incorporated herein by reference as findings of the Court and the testimony by the Special Master at the Compliance Hearing, the Court found that upon the Borough's implementation of the HE&FSP, the Settlement Agreement and the additional conditions recommended by the Special Master, it will have created a realistic opportunity for the provision of sufficient very low, low and moderate income housing needed to satisfy the Borough's constitutional Fair Share Housing Obligation for the period from 1987 to July 1, 2025 under the FHA and the constitutional doctrines enunciated in the Mount Laurel cases; and

WHEREAS, based upon these findings and for the reasons set forth on the record and for good cause shown, the Court determined that a Conditional Judgment of Compliance and Repose

approving the Borough's plans for addressing its cumulative fair share obligation through July 1, 2025 as well as the requirements of the Settlement Agreement dated February 26, 2019 as entered into by the Borough on April 2, 2019 should be entered.

NOW, THEREFORE, it is on this 1st day of June, 2020,

ORDERED AND ADJUDGED as follows:

1. The Borough of Haddonfield has stipulated to a judicially-approved Fair Share Housing Obligation for the period from 1987 through July 1, 2025 of (a) Present Need (Rehabilitation): 11 units; (b) Prior Round (1987 – 1999) Obligation: 192 units; and (c) Third Round 'gap' and prospective need (1999 – 2025) Obligation: 320 units.
2. The Borough Third Round HE&FSP adopted by the Planning Board on November 13, 2019 and endorsed by the Borough Commissioners on December 17, 2019, the Settlement Agreement dated February 26, 2019 as entered into by the Borough on April 2, 2019 and once the additional steps/conditions recommended by the Special Master's supplementary report dated February 24, 2020 are undertaken creates a realistic opportunity for the provision of sufficient very low, low and moderate income housing through July 1, 2025 to satisfy the judicially approved municipal Fair Share Housing Obligation and, taken together, fully address the Borough's constitutional Fair Share Housing Obligation for the period from 1987 to July 1, 2025 under the FHA and the constitutional doctrines enunciated in the Mount Laurel cases.

3. As recommended by the Special Master in his supplemental report dated February 24, 2020, the Borough shall satisfy the following conditions before the Court will enter a Final Third Round Judgment of Compliance and Repose:
 - a. A contract to extend Camden County Block Grant Program Cooperation Agreement be entered by the Borough; and
 - b. An executed Developer's Contract and Site Plan approval for the Snowden Avenue site be accomplished by November 30, 2020.
 - c. If necessary, the Preparation of Operating Manuals for Affordability Assistance Activities be accomplished by July 1, 2020 unless anticipated funds for this proposed affordability assistance program are instead needed per condition e. below for acquisition of another site/program implementation to address the entire 28-unit Snowden obligation as the Borough has already proposed to exceed its affordability assistance requirements in other ways as set forth in the court-approved spending plan.
 - d. Have prepared by the Borough's Administrative Agent, Piazza and Associates, an operating manual within 60 days of the date of this Order.
 - e. A decision is to be made by the Borough on the unit count for the Snowden Avenue site by July 1, 2020 consistent with the Settlement Agreement and rezoning for the site adopted by that time.
4. As the Borough satisfies the above-referenced conditions, proof of same shall be submitted to the Special Master and Fair Share Housing Center. If the Borough's satisfaction of the above-referenced conditions is deemed acceptable to the

Special Master, the Special Master shall file a supplemental report with the Court confirming that all conditions set forth in this Order have been satisfied. Once the Special Master submits said supplemental report and if the Court deems the report acceptable and is satisfied that all conditions have been met, the Court, without the necessity of an additional hearing, shall issue a Final Third Round Judgment of Compliance and Repose as submitted by the Petitioner's attorney.

5. Upon the satisfaction of the aforementioned conditions, the entry of the Final Third Round Judgment of Compliance and Repose shall resolve all issues raised by the Borough's Declaratory Judgment Complaint. That judgment shall constitute a Final Judgment in said Declaratory Judgment Complaint.
6. The Borough is permitted to use the 2019 and future income limits based upon the methodology adopted by the Affordable Housing Professionals of New Jersey ("AHPNJ") to calculate affordable rent levels and sales prices as updated annually which replicates COAH's procedures for annually establishing income limits. The Borough has amended its affordable housing ordinance to include this methodology.
7. The monitoring and reporting requirements identified in the Settlement Agreement will remain continuing conditions of the Court's conditional approval provided for herein.
8. The requirement that construction shall begin on the Snowden site and any units that may be used to partially replace the units on the Snowden site in accordance with the Settlement Agreement no later than January 1, 2022 will remain a continuing condition of the Court's conditional approval provided for herein.

- 9. The Borough's current immunity from "Builders Remedy" lawsuits shall remain in full force and effect subject to further Order of the Court through July 1, 2025.
- 10. All parties shall bear their own costs.

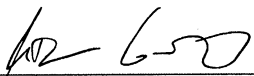
/s/ Nan S. Famular P.J. Ch.

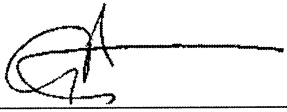
HONORABLE NAN S. FAMULAR, P.J.Ch.

The undersigned hereby consent to the entry of this Order.

FAIR SHARE HOUSING CENTER

BOROUGH OF HADDONFIELD

By: 
Adam Gordon, Esq.

By: 
Edwin W. Schmierer, Esq.
Special Counsel

Date: May 19, 2020

Date: MAY 19, 2020