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I/M/O/ THE APPLICATION OF	:	SUPERIOR COURT OF NEW JERSEY
THE TOWNSHIP OF EVESHAM,	:	BURLINGTON COUNTY
	:	LAW DIVISION
	:	
	:	DOCKET NOs: BUR-L-2419-15
	:	BUR-L-452-14
	:	
	:	CIVIL ACTION
	:	
	:	FINAL JUDGMENT OF
	:	COMPLIANCE AND REPOSE
	:	
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	:	
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THIS MATTER having previously come before the Court on February 1, 2022 at a joint fairness/compliance hearing and, per Order dated February 17, 2022, the Court approved the November 23, 2021 Amended FSHC Settlement Agreement reached between Township of Evesham and Fair Share Housing Center (“Amended FSHC Settlement Agreement”) having found it 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 Tp., 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. Bor. of Fort Lee, 286 N.J.Super. 311 (App. Div. 1996) and conditionally approved the Township of Evesham’s Amended 2021 Housing Element and Fair Share Plan (“HEFSP”); and this matter now comes before the Court in accordance with an Order setting July 14, 2022 as the date of the final compliance

hearing on whether the Township has satisfied the relevant conditions set forth in the Conditional Judgment of Compliance and Repose dated February 17, 2022 issued in this matter; and at such final compliance hearing, Evesham Township, by Robert N. Wright, Jr., Esq. (Malamut & Associates, LLC), Fair Share Housing Center, by Ashley Lee, Esq., and Evesham Township Planning Board, by Ron Cucchiaro, Esq. appeared; and Special Master Mary Beth Lonergan, AICP, PP, provided the Court with testimony and a report dated July 11, 2022 that the Township has satisfied the relevant conditions set forth in the Conditional Judgment of Compliance and Repose dated February 17, 2022 issued in this matter and that the Township's Amended 2021 HEFSP is in accordance with the court-approved Amended FSHC Settlement Agreement and complies with the Township of Evesham's obligations under the *Mt. Laurel* doctrine, the Fair Housing Act, the Uniform Housing Affordability Controls ("UHAC") except as modified by the Amended FSHC Settlement Agreement, and applicable rules of the Council of Affordable Housing ("COAH"); and the Court having reviewed the testimony and exhibits and representations by the Court Master and counsel; and the Court having provided an opportunity for the parties and members of the public to ask questions and provide comments on the HEFSP and matters addressed in the proceedings; and good and sufficient cause having been shown for entry of this Final Judgment; and for the reasons placed on the record during the July 14, 2022 Final Compliance Hearing;

IT IS ON this 21st day of July, 2022

ORDERED AND ADJUDGED as follows:

1. Judgment is hereby entered in favor of Petitioner, the Township of Evesham ("Township") for a Final Judgment of Compliance and Repose

(“Judgment”) pursuant to the *Mt. Laurel* doctrine including *Mt. Laurel IV*, the Fair Housing Act, UHAC except as modified by the Amended FSHC Settlement Agreement, and applicable rules of COAH, subject to the ongoing implementation, monitoring and reporting requirements set forth herein.

2. The Court having approved the 2021 Amendment to a 2018 Settlement Agreement between Fair Share Housing Center (“FSHC”) and the Township of Evesham (hereinafter “Amended FSHC Settlement Agreement”) by order dated February 17, 2022 issued in this matter, with the Court having found and declared at the Fairness Hearing on February 1, 2022 that the Amended FSHC Settlement Agreement 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 Tp.*, 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. Bor. of Fort Lee*, 286 N.J.Super. 311 (App. Div. 1996),
3. As set forth in the Amended FSHC Settlement Agreement the Township’s Fair Share Obligation 1987 – 2025 *Mount Laurel* affordable housing obligation is comprised of:
 - a. A Third Round Rehabilitation Share of 94 units which was reduced to 15 as a result of a structural survey carried out by the Township and previously approved by the Court per Order dated June 23, 2020;

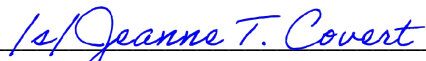
- b. A Prior Round Obligation of 534 units; and
- c. A Third Round Obligation (including the 1999-2015 “Gap Present Need” and the 2015-2025 “Prospective Need”) of 680 units;
- d. As set forth in the Amended FSHC Settlement Agreement, if a decision of a court of competent jurisdiction in Burlington County, the Appellate Division of the Superior Court, or New Jersey Supreme Court, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established above, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend this Judgment to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall remain obligated to complete and leave in place any site specific zoning change made in connection with the plan approved pursuant to the Amended 2021 Settlement Agreement and continue to implement all aspects of the plan approved pursuant to the Amended 2021 Settlement Agreement and this Final Judgment. The Township may carry over any resulting extra credits to future rounds.

4. Having reviewed the Township's adopted Amended 2021 Housing Element and Fair Share Plan and implementing ordinances and resolutions, the Court finds and declares that the Township has demonstrated that it has met its Prior Round Obligation and has in place a plan to meet its Rehabilitation Share and its Third Round Obligation. As such, the Court finds that the Township's HEFSP and implementing ordinances are constitutionally compliant and satisfy the Township's cumulative third round Mount Laurel affordable housing fair share obligations and are therefore approved.
5. The findings, conclusions and grant of this unconditional Final Judgment are set forth herein.
6. As a continuing obligation of this Final Judgment of Compliance and Repose, the Township shall comply with the following ongoing implementation, monitoring and reporting requirements:
 - a. The Township shall fully implement its 2021 Amended Housing Element and Fair Share Plan.
 - b. On August 16, 2023, and every anniversary thereafter, the Township shall:
 - i. Report on trust fund activity to the Department of Community Affairs, New Jersey Council on Affordable Housing or Division of Local Government Services or other entity designated by the State of New Jersey.

- ii. Prepare a report on the status of all affordable housing activity in the municipality.
 1. This report shall address those “Ongoing Conditions of Monitoring” set forth in the Court Master’s Report of July 11, 2022, attached hereto at Exhibit A.
 2. The Township has committed to extend controls on the property located at 1108 Maresfield Court at the end of the current 44-year control period, and to address all regulatory requirements at that time, including providing rehabilitation assistance, should such assistance be necessary and eligible. The report shall address the status of this commitment.
- iii. The above referenced reports shall be posted on the Township’s website and a copy provided to Fair Share Housing Center.
- c. Within 30 days of August 16, 2023, the Township shall prepare a status report regarding its efforts to produce very low income units. The report shall be posted on the Township’s website and a copy provided to Fair Share Housing Center. The posting will invite any interested party to submit comments to the Township and Fair Share Housing Center as to the Township’s efforts to comply with its affordable housing obligation.

7. The Township's Affordable Housing Spending Plan has been reviewed and is hereby approved.
 - a. The Township is authorized to impose and collect affordable housing development fees, to deposit and maintain those fees in the Township's Affordable Housing Trust Fund, and to expend those fees in accordance with its approved Spending Plan and this Final Judgment, subject to applicable law.
 - b. The proposed expenditure of funds from the Township's Affordable Housing Trust Fund is found and determined to be consistent with and authorized by the Fair Housing Act, and as such, those funds are properly committed for expenditure as required by the 2008 amendments to the Fair Housing Act, P.L. 2008, c.46. (In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563).
8. The Township is authorized and directed to use the current regional income limits as set forth in the "2022 Affordable Housing Regional Income Limits by Household Size" summary chart prepared by the Affordable Housing Professionals of New Jersey ("AHPNJ"), and the methodology developed thereto by AHPNJ that replicates COAH's past procedures for annually updating and establishing said income limits, for use in establishing annual eligibility and qualification levels and the maximum rental levels and sales prices for affordable housing units.

9. The Township is entitled to this Final Judgment of Compliance and Repose and immunity from exclusionary zoning lawsuits, including but not limited to “builder’s remedy” lawsuits, for its third round Mount Laurel affordable housing obligations, with said protections extending through and expiring on July 1, 2025.
10. Fair Share Housing Center is hereby granted Intervenor status in this matter for the purposes of enforcing the terms of the Amended 2021 FSHC Settlement Agreement.
11. A copy of this Order shall be served on the Special Master, all counsel of record and the official service list within seven days of receipt by counsel for Petitioner.



HON. JEANNE T. COVERT, A.J.S.C.

EXHIBIT A