

FILED

April 24, 2026

Hon. Linda Grasso Jones, J.S.C.

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Attorneys for Declaratory Plaintiff, Borough of Rumson

By: Erik C. Nolan (Attorney ID:014032006)

**In the Matter of the Application of the
Borough of Rumson, County of Monmouth.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Monmouth County
Docket No. MON-L-304-25

**CIVIL ACTION
(Mount Laurel)**

**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 Borough of Rumson (the “Borough” or “Rumson”) via counsel Erik C. Nolan, Esq., as well as Fair Share Housing Center, via counsel Ariela Rutbeck-Goldman, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act (“FHA”); and

WHEREAS, the Borough having filed on January 23, 2025 a Fourth Round Declaratory Judgment Complaint with the Affordable Housing Dispute Resolution Program (the “Program”) and the Court, along with a resolution that accepted the Fourth Round Present and Prospective Need Obligations issued by the Department of Community Affairs (“DCA”); and

WHEREAS, the Borough 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 Borough and FSHC having entered into and presented a settlement agreement (a.k.a. mediation agreement) to the Program and the Court, which was filed on eCourts on January 8, 2026, and which settlement agreement is incorporated herein by reference; and

WHEREAS, the Program having issued on January 22, 2026 a Report and Recommendation for approval of the settlement agreement and preliminary approval of the Borough's Fourth Round Housing Element and Fair Share Plan to be amended; and

WHEREAS, the Court having entered an Order on February 25, 2026 accepting and adopting the Program Member's Report and Recommendation for approval of the settlement agreement and preliminary approval of the Borough's Fourth Round Housing Element and Fair Share Plan to be amended; and

WHEREAS, the Borough's Planning Board having adopted on February 2, 2026 an Amended Housing Element and Fair Share Plan ("Amended HEFSP"), and the Borough having thereafter endorsed the Amended HEFSP and adopted its implementing resolutions and ordinances, and having submitted same to FSHC and the Court on March 12, 2026; and

WHEREAS, FSHC having reviewed the Borough's filing in accordance with the parties' settlement agreement and confirmed that the Borough has complied with all terms outlined in the settlement agreement, except for Long Term Conditions; and

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

WHEREAS, the Court having reviewed the Borough's 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 24th day of April, 2026, **ORDERED** as follows:

1. The Borough's Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-6 (inclusive) and herein as the "Implementing Ordinances & Resolutions", are hereby admitted into evidence and entered into the record.
2. Subject to the satisfaction of the Long Term Conditions in Paragraph 10 herein, the Borough of Rumson's Fourth Round HEFSP (Exhibit P-1) 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 Borough is 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 Borough'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

Borough shall have repose from exclusionary zoning litigation, including, but not limited to, Builder’s Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. The Borough’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 by FSHC to the Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle, in accordance with Fair Housing Act requirements.

4. As per the Borough’s Fourth Round HEFSP and earlier Court Order, the Borough’s Present Need or Rehabilitation Obligation is zero (0), the Borough’s Prior Round Obligation (1987-1999) is 268, the Borough’s Third Round Obligation (1999-2025) is 335 and the Borough’s Fourth Round Prospective Need (2025-2035) is 117.
5. Since the Borough has a Present Need or Rehabilitation number of zero (0), there is no current Present Need Obligation to address.
6. The Borough’s Prior Round and Third Round obligations were adjusted through a Vacant Land Adjustment (“VLA”), resulting in a combined Prior Round and Third Round Realistic Development Potential (“RDP”) of 50 and an unmet need of 553.
7. The Borough is satisfying its Third Round RDP of 50 as follows:

MECHANISM	LOCATION	TYPE	UNITS	BONUS	TENURES	STATUS
Market to Affordable	19 North Street (Block 46, Lot 15) & 68 Blackpoint	Family	2	0	For Sale	Occupied

	Road (Block 54, Lot 5)					
Washington Street	16 Washington Street (Block 8, Lot 5)	Inclusionary Family	1	1	Rental	Occupied
Lafayette Mews	7 Lafayette Street (Block 8, Lot 4)	Inclusionary Family	2	2	Rental	Occupied
62 Carton Street	Block 59, Lot 10	100% Affordable – Age Restricted	12	0	Rental	Approved
49 West River Road	Block 25, Lot 4	100% Affordable – Family	12	10	Rental	Approved
Scattered Sites	6 Maplewood (Block 51, Lot 17)	Family	1	0	For Sale	Occupied
Scattered Sites	15 Maplewood (Block 50, Lot 7)	Family	1	0	Rental	Occupied
Scattered Sites	15 Maplewood (Block 50, Lot 7)	Special Needs	4	0	Rental	Under Construction
Scattered Sites	61 South Ward (Block 141, Lot 19)	Family	2	0	Rental	Occupied
Total			37	13		

8. For the Fourth Round, the Borough has an RDP of zero (“0”). Therefore, the Borough has a Fourth Round unmet need of 117.

9. The Borough will address its Fourth Round Unmet Need of 117, through the following mechanisms:

MECHANISM	LOCATION	TYPE	UNITS	TENURES	STATUS
Mixed Use Multi-Family Overlay Zone (16 du/acre with a 20% set-aside and increase in lot coverage to 75% and building coverage to 40%)		Overlay	24	TBD	Adopted
Residential Overlay Inclusionary Zone 2 (3 du/acre with a 20% set-aside)		Overlay	9*	TBD	Adopted
Residential Overlay Inclusionary Zone 4 (6 du/acre with a 20% set-aside)		Overlay	3*	TBD	Adopted
Residential Overlay Inclusionary Zone 5 (12 du/acre with a 20% set-aside)		Overlay	6*	TBD	Adopted
Faith Institution Inclusionary Overlay (9 du/acre with a 20% set-aside)	Block 104, Lot 1.01 & Block 81, Lot 6	Overlay	8	TBD	Adopted
Faith Institution Inclusionary Overlay (11 du/acre with a 20% set-aside)	Block 10, Lot 6	Overlay	1	TBD	Adopted
Mandatory Set-Aside Ordinance (MSO) (20% set-aside for both rental and for-sale units)	Borough-wide	MSO		TBD	Adopted
Group Home	TBD	Supportive Housing	4 bedroom units minimum	TBD	Proposed

Note: * Units are attributed to the Third Round Unmet need.

10. The Borough and FSHC agree that the following Long Term Conditions remain to be met as conditions of this Compliance Certification:

- All affordable units constructed in the Borough moving forward will be affirmatively marketed in accordance with N.J.A.C. 5:80-26.16, and the Borough's Administrative Agent will fill out a DCA Affirmative Marketing Plan worksheet for each specific affordable housing project.
- Within two years of the entry of this Compliance Certification, the Borough will provide documentation on the proposed group home.
- If by December 31, 2026, the 49 West River Road project has not begun construction, and/or the 52 Carton Street Project has not received state funding, the Borough will fund any shortfall/gap in financing. The Borough will provide FSHC with an update regarding the funding/construction status of both of these projects three months prior to the December 31, 2026 deadline.
- Where inclusionary development occurs, the Borough shall require a sufficient number of two- and three-bedroom affordable units to balance with the planned group home development, as to satisfy UHAC bedroom mix rules across the Borough.

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

- The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of 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 Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number affordable of housing units actually constructed, construction starts, certificates of occupancy granted, the start and expiration dates of deed restrictions. 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 adopted HEFSP 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.

12. The Court shall retain jurisdiction for the limited purpose of allowing FSHC and the Borough the opportunity to enforce the terms and conditions of this Certification of Compliance and Repose and the Borough's adopted Fourth Round HEFSP.

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

SO ORDERED:

/s/ Linda Grasso Jones, J.S.C.

HON. LINDA GRASSO JONES, J.S.C.

Designated Mt. Laurel Judge – Monmouth Vicinage

SEE ATTACHED RIDER/STATEMENT OF REASONS

On behalf of the Borough of Rumson:

/s/ Erik C. Nolan

Erik C. Nolan, Esq.

On behalf of Fair Share Housing Center:

/s/ Ariela Rutbeck-Goldman

Ariela Rutbeck-Goldman, Esq.

Rider/Statement of Reasons pursuant to R. 1:7-4(a):

Having reviewed and considered the Municipality's adopted and approved HEFSP, together with the now adopted implementing ordinances and resolutions for the effectuation and implementation of the same, the court is satisfied that the HEFSP, as adopted and endorsed by the Municipality and the accompanying and now timely adopted implementing ordinances and 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 Municipality and is thereby in the best interests of the protected class of low- and moderate-income households in the Municipality. This certification of compliance confirms the Municipality's complete and satisfactory compliance with the provisions and requirements of the FHA and Directive #14-24.

Accordingly, the court hereby **APPROVES** of the Municipality's adopted HEFSP, implementing ordinances and resolutions, and herewith issues its certification of compliance and repose in accordance with the FHA and Directive #14-24. As a result, the Municipality 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 the court shall retain jurisdiction for purpose of enforcing the terms and conditions of this certification of compliance and repose and the Municipality'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:

/s/ Linda Grasso Jones, J.S.C.

HON. LINDA GRASSO JONES, J.S.C.

Designated Mt. Laurel Judge – Monmouth Vicinage

SCHEDULE-1

P-1: Amended Fourth Round Housing Element and Fair Share Plan. The Amended HEFSP was adopted by the Borough's Planning Board on February 2, 2026, and was endorsed by the Borough Council on February 10, 2026.

P-2: Amended Overlay Zoning Ordinances. On February 10, 2026, the Borough Council adopted an ordinance amending the Faith Institution Inclusionary Overlay and an ordinance amending the requirements for the mixed-use and multi-family option in the GB, NB, and POB Zone districts.

P-3: Affordable Housing Ordinance/Mandatory Set-Aside Ordinance/Development Fee Ordinance. The Borough Council adopted an updated combined Affordable Housing Ordinance/Mandatory Set-Aside Ordinance/Development Fee Ordinance on March 10, 2026.

P-4: Affirmative Marketing Plan. The Borough's Fourth Round Affirmative Marketing Plan was adopted on March 10, 2026.

P-5: Spending Plan. The Borough adopted a Fourth Round Spending Plan.

P-6: Administrative Agent Manual and Affordability Assistance Manual. The Borough adopted an Administrative Agent Manual and an Affordability Assistance Manual.