

Fair Share Housing Center

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In the Matter of the
Application of the Borough of
Waldwick, County of Bergen.

SUPERIOR COURT OF NEW JERSEY
Law Division, Bergen County
Docket No. BER-L-700-25

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 via Craig P. Bossong, Esq. (of Florio Perruci Steinhardt Cappelli & Tipton LLC), as well as Fair Share Housing Center, via counsel Laura S. Smith-Denker, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act ("FHA"); and

WHEREAS, the Borough of Waldwick (the "Borough" or "Waldwick") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action on January 29, 2025; and

WHEREAS, the above-named parties having previously presented a consent order to the Court which was entered on

January 27, 2026, and which consent order is incorporated herein by reference; and

WHEREAS, the Borough having filed its [Amended] Housing Element and Fair Share Plan ("HEFSP") on June 25, 2026 and implementing ordinances and resolutions on March 12, 2026; and

WHEREAS, Fair Share Housing Center ("FSHC") having reviewed the Borough's filing in accordance with the parties' consent order and confirmed that the Borough has complied with all terms outlined in the consent order; and

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

WHEREAS, the Court having reviewed the Borough's HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the 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 16th 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-2 through Exhibit P-8 (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 Conditions of this Order and the deadlines established therein, the Borough of Waldwick's Fourth Round Fair Share Plan (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 to the Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle.

4. As per the Borough's HEFSP and earlier court orders, the Borough's Present Need or Rehabilitation Obligation is 19, the Borough's Prior Round Obligation (1987-1999) is 81, the Borough's Third Round Obligation (1999-2025) is 228 with an RDP of 49, and the Borough's Fourth Round Prospective Need (2025-2035) is 164 units with an RDP of 5.
5. The Borough's Present Need or Rehabilitation Obligation is nineteen (19), the Borough's Prior Round Obligation (1987-1999) is eighty one (81), the Borough's Third Round Obligation (1999-2025) is two hundred twenty eight (228), due to a lack of vacant land the Borough's RDP was forty nine (49), the Borough's Fourth Round Prospective Need (2025-2035) is one hundred sixty four (164), due to a lack of vacant land the Borough has a RDP of five (5).

6. The Borough will address its Present Need via participation in the Bergen County Home Improvement Program, its own municipal Home Improvement Program, funded through Waldwick's Affordable Housing Trust Fund, and the Community Development Block Grant Program.

7. The Borough's Prior Round Obligation is 81, having been adjusted through a vacant land adjustment to a realistic development potential ("RDP") of 32, which has been met with the following mechanisms:

NAME	TYPE	UNITS	BONUSES	STATUS
West Bergen Mental Healthcare	Alternative Living Arrangement	4	4	Completed
Eastern Christian Children's Retreat	Alternative Living Arrangement	4	4	Completed
Riverside Condominium	For Sale Family	6		Completed
Regional Contribution Agreement	RCA	10		In Place
Total		24	8	

8. The Borough's Third Round Obligation is 228, having been adjusted to an RDP of 49, which shall be met with the following mechanisms:

NAME	TYPE	UNITS	BONUSES	STATUS
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Eastern Christian Children's Retreat	Alternative Living Arrangements	1		Completed
Habitat for Humanity	Family For Sale	4		Completed
Riverside Condominium	Family For Sale	1		Completed
DePippo Farm	Family For Sale	7		Completed
Bristol Assisted Living Resistance	Special Needs	8		Completed
DeMartini Lumber Site	Family Rental	11	11	Completed
106 and 112 Franklin Turnpike	Family Rental	2	2	Completed
Riverside Condominium Extensions	Extension of Controls	2		Completed
Total		36	13	

9. The Borough's Third Round unmet need is 179 and shall be met with the following mechanisms:

- Adoption of the AHO-1 Affordable Housing Overlay Zone over the VC-3 zone and a portion of the VC-2 zone, permitting residential development at a density of 10 dwelling units per acre ("du/ac") and requiring a 20 percent affordable set-aside.
- Adoption of the AHO-2 Affordable Housing Overlay Zone near the Borough's central business district,

permitting residential development at a density of 10 dwelling units per acre ("du/ac") and requiring a 20 percent affordable set-aside.

10. The Borough's Fourth Round Obligation is 164, having been adjusted to an RDP of 5, which shall be met with the following mechanisms:

NAME	TYPE	UNITS	BONUSES	STATUS
1 Franklin Turnpike	Family Rental	2	1	Completed
BCUW/Madeline Housing Partners	Special Needs	8	8	Under Construction
Life Opportunities Unlimited	Special Needs	4	4	Completed
Harrison Avenue Redevelopment	Redevelopment	6	3	Application under Review by Planning Board
Total		20	16	

11. The Borough's remaining Fourth Round unmet need is 128 and shall be addressed with the following mechanisms:

- Amendment of the AHO-1 and AHO-2 overlay zones to permit a greater residential density of 15 du/ac.

12. 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, 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 Borough'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. Lina P. Corrison, J.S.C.

On behalf of the Borough of Waldwick:



Craig P. Bossong, Esq.

On behalf of Fair Share Housing Center:

Laura S. Smith-Denker, Esq.

Laura S. Smith-Denker, Esq.

SCHEDULE 1

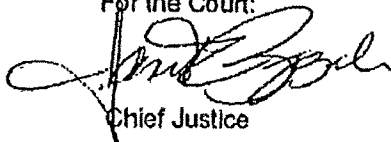
- P-1 Borough of Waldwick's Housing Element and Fair Share Plan as submitted to the Court on June 25, 2025 and then again on March 12, 2026
- P-2 Resolution of Endorsement of the Borough's Housing Element, Fair Share Plan and Spending Plan adopted by the Governing Body on March 10, 2026
- P-3 Planning Board of the Borough of Waldwick Letter Resolution approving and recommending the endorsement of the Borough's Housing Element, Fair Share Plan, and Spending Plan
- P-4 Borough Adopted Affordable Housing Ordinance and Development Fee Ordinance as adopted on March 10, 2026
- P-5 Resolution Adopting the Borough's Affirmative Marketing Plan dated March 10, 2026

- P-6 Ordinance #2026-02 adopted on March 10, 2026 amending the Borough's AHO-1 and AHO-2 overlay zones
- P-7 Copy of the State of New Jersey Operating License for Hope Christian Services for a Group Home with Developmental Disabilities consisting of 5 individuals
- P-8 Copy of the State of New Jersey Operating License for Life Opportunities Unlimited for a Group Home with Developmental Disabilities consisting of 4 individuals

SUPREME COURT OF NEW JERSEY

Pursuant to Rule 1:13-2(a), it is ORDERED that the payment of filing fees, other fees, and charges of public officers for service of process in connection with actions filed by the Fair Share Housing Center shall be waived; this Order is effective immediately and until further order of the Court.

For the Court:

A handwritten signature in black ink, appearing to read "Andrew S. Aronson", is written over a vertical line. The signature is fluid and cursive.

Chief Justice

Dated: January 16, 2007