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May 19, 2025

To : All Persons on the Attached Service List

RE: In the Matter of the Application of the Township of Washington
Docket No: WRN-L-244-15
Final Judgement of Compliance and Repose

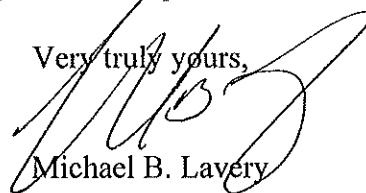
Dear Sir/Madam:

This office serves as legal counsel to the Township of Washington, Warren County, and we are enclosing a copy of the Final Judgment of Compliance and Repose with regards to the Township's Affordable Housing obligation for the Third Round.

We are serving you with a copy of the Final Judgment as your name was either on the Service List for appearances before the Supreme Court of New Jersey, or for hearings before the Council on Affordable Housing, or you are an interested party in properties listed in the Settlement Agreement and/or Consent Order.

If you have any questions regarding this matter, please do not hesitate to contact my office.

Very truly yours,



Michael B. Lavery

MBL/dg

Cc: Joshua Bauers, Esq. (via email)
Joelle Paull, (via email)
Hon. William G. Mennen
Elizabeth McManus, Special Master (via email)
Service List

**Washington Township – Warren County COAH
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FILED
May 14, 2025
HUNTERDON COUNTY SUPERIOR COURT
WILLIAM G. MENNEN, J.S.C.

PREPARED BY THE COURT:

IN THE MATTER OF THE
APPLICATION OF TOWNSHIP OF
WASHINGTON, A Municipal
Corporation of the State of New Jersey,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
WARREN COUNTY
DOCKET NO. WRN-L-244-15

Civil Action – Mt. Laurel

**FAIRNESS ORDER AND JUDGMENT OF
COMPLIANCE AND REPOSE**

THIS MATTER having been opened to the Court upon the application of the **Township of Washington** (the “Township”) for a Fairness Order and Judgment of Compliance and Repose approving an Amended Settlement Agreement dated March 15, 2023 (the “Agreement”) between the Township and Fair Share Housing Center (“FSHC”); and

WHEREAS, the Township and FSHC entered into an original settlement agreement on May 7, 2019; and

WHEREAS, due to environmental constraints on one of the identified inclusionary development sites, the original settlement agreement had to be amended; and

WHEREAS, Elizabeth McManus, PP, AICP was appointed as a Special Adjudicator in this matter; and

WHEREAS, the Court found that the Township issued adequate public notice of the fairness and compliance hearing scheduled in this matter; and

WHEREAS, the Court received and reviewed the Report issued by the Special Adjudicator dated May 12, 2025 wherein the Special Adjudicator recommended that the Court approve the Agreement, find the Township’s compliance documents compliant, and grant the Township a

Third Round Judgment of Repose subject to the limited “relatively minor” conditions set forth therein; and

WHEREAS, the Court conducted a Fairness Hearing and Compliance Hearing on May 14, 2023 in the presence of Lavery, Selvaggi, & Cohen, counsel for the Township (with Michael B. Lavery, Esq. appearing), Joelle Paul, Esq. of and counsel for Interested Party-Defendant, Fair Share Housing Center (“FSHC”), and the Special Master; and

WHEREAS, no written objections were filed; and

WHEREAS, the Court heard the testimony of the Special Adjudicator and the argument and position of counsel; and,

WHEREAS, the Court reviewed the Special Adjudicator’s Report and all exhibits and materials provided; and

WHEREAS, the Court determined that the 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 Twp., 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. Borough of Fort Lee, 286 N.J. Super 311 (App. Div. 1996) and, therefore, should be approved and immunity continued; and for good cause having otherwise been shown:

IT IS on this 14th day of MAY 2025, **ADJUDGED AND ORDERED**, as follows:

1. The Township has provided adequate notice of the Fairness and Compliance Hearing to the public and all interested parties.
2. FSHC appeared at the above referenced hearing and consented to the approval of the Agreement and the issuance of a conditional Third Round Judgment of Compliance and Repose.

3. The Agreement entered into by and between the Township and FSHC, be, and is hereby determined to be fair and reasonable to the interests of the region's low- and moderate-income households and to represent a realistic opportunity for the provision of affordable housing in accordance with the Mt. Laurel doctrine, and specifically in accordance with the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 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. Borough of Fort Lee, 286 N.J. Super 311 (App. Div. 1996).

4. The Court finds, based largely upon the testimony of the Special Adjudicator, that the Township's compliance documents comply with the conditions set forth in the Agreement.

5. The Court finds that the Township has complied with its Mount Laurel Third Round affordable housing obligations as established in the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301 et seq.) and the Township's compliance plan creates the realistic opportunity to satisfy the Township's fair share of its region's need for housing for low and moderate income households, consistent with the Mount Laurel IV decision and the Mount Laurel doctrine.

6. A Third Round Judgment of Compliance and Repose is hereby entered in favor of the Township conditioned upon the following:

- a. The Township shall submit a compliant spending plan which includes all necessary and customary data.
- b. The Township shall submit documentation (i.e. proof of partnership) confirming Habitat for Humanity will construct affordable housing units planned for the Washington Valley Estate, Sawmill Ridge, site.

7. Based upon the recommendation of the Special Adjudicator, the conditions outlined in Section 6a and 6b immediately above shall be satisfied and addressed as part of the imminent fourth round housing plan approval process.

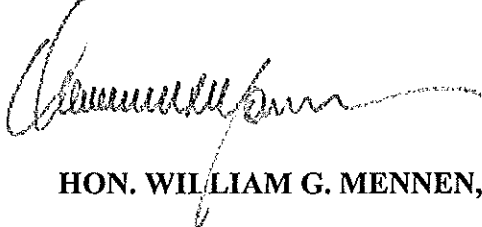
8. The Court hereby re-affirms and declares that the Township is entitled to protection from Mt. Laurel/Constitutional Compliance litigation for the period concluding on July 1, 2025.

9. That the oral opinion of this Court, issued on this date, May 14, 2025, together with the Report of the Special Adjudicator and the recommendations contained therein (which are adopted in full by the Court), are hereby incorporated by reference as if set forth at length herein; and

10. That the Court retains jurisdiction for the limited purpose of enforcing the terms and conditions of the Agreement.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on all parties and counsel of record upon its posting by the Court to the eCourts case jacket for this matter. Pursuant to R. 1:5-1(a) and R. 1:32-2A, counsel for the Plaintiff shall serve a copy of this Order on all parties not served electronically within seven (7) days of this Order.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'William G. Mennen', is written over the printed name below.

HON. WILLIAM G. MENNEN, J.S.C.

On this date, pursuant to R. 1:6-2, the Court's Statement of Reasons has been set forth on the record.