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FILED

JAN 22 2019

CAMILLE M. KENNY
J.S.C.

**IN THE MATTER OF THE
APPLICATION OF THE CITY OF
SUMMIT, COUNTY OF UNION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY**

DOCKET NO.: UNN-L-2440-15

CIVIL ACTION – MOUNT LAUREL

**FINAL ROUND 3 JUDGMENT OF
COMPLIANCE AND REPOSE**

THIS MATTER having been opened to the Court by Michael A. Jedziniak, Esq. of Jeffrey R. Surenian and Associates, LLC on behalf of declaratory plaintiff, City of Summit (hereinafter “the City” or “Summit”) via a Declaratory Judgment Action (“DJ Action”) filed on July 2, 2015 in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”) and requesting judicial approval of the City’s amended Housing Element and Fair Share Plan; and the Court having granted the City immunity from all Mount Laurel lawsuits commencing from July 2, 2015; and the City’s immunity having continuously remained in force to the present day; and the Court having appointed Phillip B. Caton, P.P., F.A.I.C.P. as the Special Mount Laurel Master; and Fair Share Housing Center (“FSHC”) having participated in the City’s DJ Action as an Intervenor; and the City and FSHC having entered into a Settlement Agreement on or around October 5, 2016, which was approved at a properly noticed Fairness Hearing held by the Court on October 31, 2016, as memorialized in an Order entered by the Court on that same day; and said Settlement Agreement having established the City’s “fair

share" obligations and the compliance mechanisms through which the City would satisfy same; and the City's professionals and staff having prepared an amended Housing Element and Fair Share Plan ("Fair Share Plan") and all supporting documentation in accordance with the Settlement Agreement and the recommendations of the Court Master; and the City's Planning Board having adopted the Fair Share Plan on January 23, 2017; and the City Common Council having endorsed the Fair Share Plan on January 31, 2017; and in order to help satisfy its affordable housing obligations, the City having adopted Mount Laurel overlay ordinances to capture affordable housing opportunities if and when the opportunity arises; and the Fair Share Plan and all supporting resolutions, ordinances, and other documents having been submitted to the Court and the Court Master for review and approval; and, on September 25, 2017, the Court having conducted a duly-noticed Compliance Hearing and entered a Conditional Round 3 Judgment of Compliance; and said Order being attached hereto as Exhibit A and incorporated by reference hereto; and, subsequent to the entry of the Order, the City having discovered that it was entitled to ten (10) less credits than was contemplated in the Settlement Agreement; and, on February 8, 2018, the City having adopted and endorsed an amended Round 3 Housing Element and Fair Share; and, on April 13, 2018, the City having adopted an amended Spending Plan, being attached hereto as Exhibit B and incorporated by reference hereto; and thereafter, additional issues having been raised by FSHC concerning the City's amended Housing Element and Fair Share Plan and Spending Plan; and the City having adopted a Mount Laurel Mandatory Setaside Ordinance ("MSO") to cover *all* parcels in Summit, rather than merely the parcels in the multifamily zoning districts; and, on December 18, 2018, the City having adopted its amended MSO thereby expanding the scope of its Mandatory Mount Laurel Setaside Ordinance ("MSO") to cover *all* parcels in Summit; and said amended Ordinance being attached hereto as Exhibit C

and incorporated by reference hereto; and, it appearing that FSHC and the City have agreed that the adoption of the Ordinance resolves FSHC's objections to the City's fair share compliance and it appearing that amendments to mechanisms to address unmet need, in accordance with the terms of the Settlement Agreement, will be considered in accordance with the mid-period review required by N.J.S.A. 52:27D-313; and it appearing that the parties have consented to the entry of this order; and for good cause shown:

IT IS on this 25 day of January, 2019, **ORDERED AND ADJUDGED** as follows:

1. All of the terms set forth in the City's Conditional Round 3 Judgment of Compliance, dated September 25, 2017 and attached hereto as Exhibit A, remain in full force and effect, except any such terms that are expressly addressed below.
2. The City satisfied the twelve conditions referenced in its Conditional Round 3 Judgment of Compliance.
3. The City's amended Round 3 Housing Element and Fair Share Plan, as supplemented through the adoption of the amended MSO, is approved inasmuch as it addresses the municipality's obligation under the Mount Laurel doctrine and applicable rules and regulations.
4. The City's amended Mount Laurel Spending Plan, dated April 13, 2018 and attached hereto as Exhibit B, is hereby approved.
5. The City's amended MSO, dated December 18, 2018 and attached hereto as Exhibit C, is approved and, in combination with other mechanisms, provides an appropriate response to the City's unmet need.

6. Pursuant to the City's Conditional Round 3 Judgment of Compliance and in light of the terms set forth herein, the City is entitled to repose from any and all Mount Laurel exclusionary zoning lawsuits through July 2, 2025.

7. The City shall forward a copy of this Order to the Special Master and the Service List within seven (7) days of receipt.


HONORABLE CAMILLE M. KENNY, J.S.C.

