

As many of you may be aware, this past Wednesday, March 4th, the Township received a copy of a written recommendation from the Affordable Housing Dispute Resolution Program to the New Jersey Superior Court concerning the Township's affordable housing plan that had been adopted in June of 2025.

In short, the recommendation expressed that in order for the Superior Court to certify that the Township's affordable housing plan complies with the Township's obligations under the Mount Laurel Doctrine and the Fair Housing Act for what is known as the Fourth Round, the Township's affordable housing plan would need to be amended to permit the development of three (3) sites for which certain developers have proposed to construct housing where 20% of the units to be built would be affordable units.

In this regard, while the recommendation to the Superior Court was for the Township to continue to retain immunity from builder remedy lawsuits, the ability to retain this immunity should be contingent upon the Township – first – adopting an amendment to its affordable housing plan by April 8th and – second - adopting ordinances to permit the development of the three sites by May 13th.

Subsequent to the receipt of the recommendation, the Township wrote to the Superior Court requesting an opportunity to be heard regarding disputes that the Township has with the Program's recommendations.

Following (and notwithstanding) receipt of that request, the Superior Court entered an order on March 9th adopting the Program's recommendations.

The Program's recommendation followed the Township participating in mediation with two developers and an affordable housing advocacy organization known as Fair Share Housing Center – largely concerning proposals by the developers that the Township should amend its affordable housing plan to permit the development of the three sites in question:

- The first located at 68 Obre Road;
- The second at Wellspring Farm; and
- The third located at Dutch Lane Road

Without getting into details because this matter concerns on-going litigation, the Township Committee did not agree that three sites were appropriate for development as was being proposed by the developers and the Township did not agree with certain positions being advanced by the developers and Fair Share Housing Center as far as what the Township is required to do in order to comply with its legal obligations under the Mount Laurel Doctrine and the Fair Housing Act.

To be blunt, the Township Committee is disappointed by numerous statements and suggestions contained within the Program's recommendation.

That being said, the Township remains committed to complying with the mandates of the Mount Laurel Doctrine and the Fair Housing Act.

In this regard, the Township will, under protest, comply with the Program's recommendations and the March 9th Court Order and will amend its Housing Element and Fair Share Plan by April 8th and adopt zoning ordinances to permit the development of the three sites by May 13th.

The Township will, however, also commence with the New Jersey Appellate Division an appeal of the Court's March 9th Order as – again – the Township Committee, among other things, disagrees with certain legal interpretations advanced in the March 4th recommendation as far as what the Township is required to do in order to comply with its Mount Laurel obligations.

To be clear, this is not about trying to overturn or refusing to comply with the Mount Laurel doctrine. As elected officials, we are required to comply with the law. To the extent that there might be people in this room who are aggrieved by the law, that is a discussion you should have with your elected representatives in Trenton.

In this instance, however, we do not agree with, among other things, the manner in which the Court and the Program have chosen to interpret the law – and for this reason we will seek to have the Order reversed as we continue to disagree with the recommendation and Order compelling the Township to amend its affordable housing plan and adopt zoning ordinance for the three sites at issue.

As has been and will remain our practice, the Township Committee will continue to keep you informed of this process.