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Our File No.: C22242

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FILED
JUN 17 2020
MICHAEL C. GAUS, J.S.C.
SUPERIOR COURT OF NJ

<p>IN THE MATTER OF THE ADOPTION OF THE TOWNSHIP OF HARDING FOR A JUDGMENT OF COMPLIANCE OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.</p>	<p>SUPERIOR COURT OF NEW JERSEY CIVIL DIVISION: MORRIS COUNTY DOCKET NO: MRS-L-1672-15</p> <p><i>Civil Action</i></p> <p>FINAL JUDGEMENT OF COMPLIANCE AND REPOSE</p>
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THIS MATTER having been opened to the Court by DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., attorneys for the Plaintiff Township of Harding (“Township”) by Steven A. Kunzman, Esq., and on Consent of Intervenor, Fair Share Housing Center, Inc. (hereinafter “FSCH”), by Bassam F. Gergi, Esq., and Intervenor S/K Mount Kemble Associates, LLC. (“S/K”), Inglesino, Webster, Wyciskala, & Taylor, LLC., by, Derek W. Orth, Esq., and upon approval of the Court Appointed Special Master, James T. Kyle, PP, AICP, (“Special Master”); and,

WHEREAS, the Court having entered an Conditional Declaratory Judgment of Compliance on March 28, 2019 (“Conditional Judgment”), which memorialized the determination by the Court that the Township is in compliance with its Constitutional obligation to zone in such a manner as to provide the realistic opportunity for the development of housing

affordable to low and moderate income households in accordance with what is commonly known as the Mount Laurel Doctrine and in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301, et seq., including all Cycles or Rounds through June 30, 2025 as set forth in the Settlement Agreement entered into in this matter, subject to certain conditions; and,

WHEREAS, all criteria required to demonstrate Compliance as set forth in East/West Venture, 286 N.J. Super 311 (App. Div. 1996), have been satisfied, including that the Township has satisfied all conditions set forth in the Conditional Judgement, including:

- a) Modification of the bedroom composition of the two (2) new units to be constructed at the Farm at Harding 100% affordable project so that one is a two (2) bedroom unit and one is a three (3) bedroom unit to be in accordance with the requirements of the UHAC Regulations, N.J.A.C 5:80-26.3.
- b) Demonstration that the Universal Institute group home meets the requirements for crediting under the applicable COAH rules, N.J.A.C. 5:93-1, et. seq.
- c) Demonstration that the Cerebral Palsy of North Jersey group home meets the requirements for crediting under the applicable COAH rules, N.J.A.C. 5:93-1, et. seq.
- d) Adopt a redevelopment plan and enter into a redevelopment agreement for the Hurstmont /Glen Alpin Age Restricted development by October 31, 2019.
- e) Amend the affirmative marketing plan to comply with the requirement of settlement agreement for community organizations to receive notice of available units.

("Conditions"); and,

WHEREAS, the Special Master has advised the Court by letter of June 2, 2020 that all Conditions have been satisfied, and recommends entry of this Final Judgment of Compliance and Repose; and,

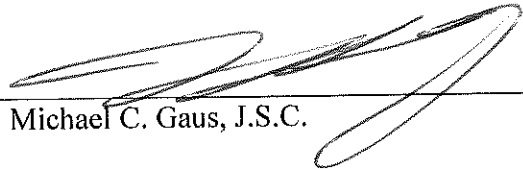
WHEREAS, Counsel for all of the Intervenors have consented to the entry of this Final Judgment of Compliance and Repose;

IT IS THEREFORE, ON THIS 17th DAY OF JUNE, 2020,

ADJUDGED, DECLARED AND ORDERED AS FOLLOWS:

1. The Court declares that the Township of Harding is in compliance with its Constitutional obligation to provide zoning that creates the realistic opportunity for the development of housing affordable to low and moderate income households as defined in what are commonly known as the Mount Laurel Doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301, *et seq.*, through and including all Cycles or Rounds up to and including any and all obligations that may have been determined to exist through June 30, 2025, as set forth in the Settlement Agreement in this matter which was approved by this Court by the Order of Fairness and Preliminary Compliance entered on November 14, 2018 and by the Conditional Judgment.
2. The Township is granted continuing repose and immunity from exclusionary zoning litigation until June 30, 2025.
3. All other requirements or provisions of the Conditional Judgment, that are not otherwise addressed in this Final Judgment, shall remain and are incorporated herein.

AND IT IS FURTHER ORDERED that a copy of this Judgment be served upon all interested parties in accordance with the procedure previously established in the Mount Laurel litigation matters.



Michael C. Gaus, J.S.C.