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Attorney for Borough of Cape May Point

IN THE MATTER OF THE APPLICATION  
OF THE BOROUGH OF CAPE MAY POINT  
FOR COURT APPROVAL OF ITS HOUSING  
ELEMENT AND FAIR SHARE PLAN

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
CAPE MAY COUNTY

Docket No. CPM-L-292-15

Civil Action

**CONSENT JUDGMENT OF  
COMPLIANCE AND REPOSE**

THIS MATTER having been opened to the Court by Brock D. Russell, Esquire on behalf of the Petitioner, Borough of Cape May Point (hereinafter "the Borough"); and it appearing that Adam M. Gordon, Esquire, legal counsel to the Fair Share Housing Council (hereinafter "FSHC") has consented to the form and entry of this Order and the relief provided herein;

AND IT FURTHER APPEARING that the Court Appointed Special Master, Steven P. Perskie, J.S.C. (Ret'd.) (hereinafter "the Master") has recommended to the Court that this Order and the relief provided herein are consistent with the legal requirements set forth below;

AND THE COURT having found that the Borough has fully complied with the requirements of the Order of Fairness and Compliance entered by this Court on March 20, 2018 except as otherwise specifically provided below;

AND IT FURTHER APPEARING that the Borough has fully complied with the requirements of the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301*, et seq., (hereinafter "NJFHA"), and, more particularly, with the mandates of the New Jersey Supreme Court's decision of January 18, 2017, supplementing its ruling in the matter of *In Re: Adoption of N.J.A.C. 5:96, 211 N.J. 1*(2015)(hereinafter "Mount laurel IV"), which decision and prior rulings issued by the Supreme Court articulate what is known as "The Mount Laurel Doctrine" except as otherwise provided below;

AND IT FURTHER APPEARING that the Court is in receipt of a Public Notice and Certification of Publication of said Notice by the Borough providing for a Public Hearing on August 30, 2018 at 11:30 a.m.;

AND THE COURT having made the following findings of fact:

1. The Planning Board of the Borough has adopted an Amended Third Round Housing Element and Fair Share Plan by Resolution No. SR PB 2018-09 after a public hearing held on July 18, 2018;
2. The Board of Commissioners of the Borough has endorsed the aforesaid Amended Third Round Housing Element and Fair Share Plan by Resolution No. 86-18 adopted on July 18, 2018;
3. The Board of Commissioners of the Borough has amended the Borough's Affordable Housing and Zoning Ordinance in order to implement the terms of the Settlement Agreement between Fair Share Housing Council and the Borough dated December 7, 2017 (hereinafter the "Settlement Agreement") by adopting Ordinance No. 07-2018, Ordinance No. 08-2018 and Ordinance No. 09-2019 on July 12, 2018 and publishing said ordinances on July 18, 2018;
4. The Borough has implemented all of the terms contained in the Settlement Agreement, up to those terms required to be completed by July 31, 2018 except the Borough is still required to provide an updated marketing plan for accessory apartments as required by this Order below;
5. The Board of Commissioners of the Borough has adopted a requisite "Spending Plan" as contemplated by *N.J.S.A. 52-27D-329.2* and *329.3*;

6. The Borough Clerk has submitted to the Court, the Master and the FSHC, a Certification confirming the adoption by the Borough of the above resolutions and ordinances;

AND GOOD CAUSE having been shown;

IT IS on this 30<sup>th</sup> day of August, 2018 ORDERED as follows:

1. The Borough is hereby granted the "judicial equivalent of substantive certification and accompanying protection provided under the FHA," pursuant to *Mount Laurel IV*, through July 31, 2025;

2. The Borough shall have immunity from Mount Laurel litigation through July 31, 2025 except for actions brought to enforce the terms, of this Order and the Settlement Agreement;

3. On the first anniversary of the Settlement Agreement, and every anniversary thereafter through the end of said Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC;

4. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to *N.J.S.A. 52:27D-313*, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented, except that the Borough is still required to provide an updated marketing plan for the accessory apartment program in accordance with this Order. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues;

5. For the review of very low income housing requirements required by *N.J.S.A.* 52:27D-319.1, within 30 days of the third anniversary of said Settlement Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement;

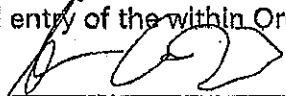
6. The Borough shall provide an updated marketing plan for the accessory apartment program no later than December 1, 2018. In the event the actions required by paragraph 7(a) of the Settlement Agreement are not completed in a timely fashion, this Court retains jurisdiction to hear any challenge(s) by the FSHC, or any interested party, to the Borough's entitlement to the immunity granted herein;

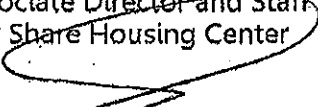
7. The Court retains jurisdiction over this matter solely for purposes of enforcement of this Judgment of Compliance and Repose and the Settlement Agreement entered by and between the Borough and Fair Share Housing Center; and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all parties within seven (7) days of its receipt.

  
NELSON C. JOHNSON, J.S.C.

We hereby consent to the form and entry of the within Order.

  
Adam M. Gordon, Esquire  
Associate Director and Staff Attorney  
Fair Share Housing Center

  
Brock D. Russell, Esquire  
Attorney for Borough of Cape May Point

From: eCourtsCivilDoNotReply.mailbox <eCourtsCivilDoNotReply.mailbox@njcourts.gov>

To: DIAMONDLAWGIRL <DIAMONDLAWGIRL@AOL.COM>; EJBUZAK <EJBUZAK@BUZAKLAWGROUP.COM>; SLMOGILESKY <SLMOGILESKY@BUZAKLAWGROUP.COM>; BLG <BLG@BUZAKLAWGROUP.COM>

Subject: NJ eCourts Consent Order Notification - Civil Part CPM-L-000292-15

Date: Thu, Aug 30, 2018 9:16 am

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**SUPERIOR COURT OF NEW JERSEY - eCOURTS CIVIL LAW**

The following was filed by COURT on 08/30/2018:

Plaintiff Name    BOROUGH OF CAPE MAY POINT  
Defendant Name:  MUNICIPAL NEW JERSEY LEAGUE OF, MOUNT LAUREL  
Case Caption:    IMO APPLICATION OF THE BOROUGH OF CAPE MAY POINT  
Case Number:     CPM L 000292-15  
Docket Text:     Consent Order - GRANTED by Judge JOHNSON, NELSON, C  
Transaction ID:   LCV20181505330

**Notice has been electronically mailed to:**

Plaintiff BROCK D  
Attorney RUSSELL DIAMONDLAWGIRL@AOL.COM  
Other    EDWARD  
          J BUZAK EJBUZAK@BUZAKLAWGROUP.COMSLMOGILESKY@BUZAKLAWGROUP.COMBLG@BUZAKLAWGROUP.COM

**Notice was not electronically mailed to:**

Defendant        MOUNT LAUREL 00000

Login to eCourts to view the Case Jacket. You will need a valid user ID (Bar ID) to view the submitted documents.

For questions, please contact the Superior Court of New Jersey Civil Division in county of venue.

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