

FILED

February 20, 2026

Hon. Robert G. Malestein, P.J.Ch.

The Hon. Robert G. Malestein, P.J.Ch.

Superior Court of New Jersey
Law Division – Civil Part
Gloucester County
Gloucester County Courthouse
1 N. Broad Street
Chambers/Courtroom 203
Woodbury, New Jersey 08096

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF HARRISON, GLOUCESTER
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2 (N.J.S.A.
52:27D-304.1, et seq.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
GLOUCESTER COUNTY
DOCKET NO. GLO-L-93-25

Civil Action

Mt. Laurel Program

**DECISION AND ORDER FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on **JANUARY 22, 2025** (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF HARRISON** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative

Directive #14-24 (“Directive #14-24”) of the ”Program”, seeking a certification of compliance with the FHA;

AND THE COURT, having entered its Decision and Order Fixing Municipal Obligations for “present need” and “prospective need” for the Fourth Round Housing Cycle on **APRIL 24, 2025** for the Municipality – specifically, a “present need” obligation of **40** affordable housing units, and a “prospective need” obligation of **306** affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”);

AND IT APPEARING that, the Municipality adopted Resolution #**31-2025** on **JUNE 19, 2025** thereby endorsing its proposed Housing Element and Fair Share Plan (“HEFSP”) for the implementation of its Fourth Round Affordable Obligation, and thus by or before June 30, 2025, as provided for and in accordance with the FHA and Section III.A of Directive #14-24 (as amended), and which Plan contained the elements set forth in the “Addendum” attached to Directive #14-24 (as amended)

AND IT APPEARING that, challenges to the Municipality’s HEFSP (“Challenges”) were timely and properly filed by Fair Share Housing Center (“FSHC”) and **MULLICA HILL SUBDIVISION LLC** (“**CHALLENGER**”), (each a “Challenger”, and collectively the “Challengers”) by and through their respective counsel, in accordance with the FHA and Section III.B of Directive #14-24, wherein the Challengers disputed, in whole or in part, certain compliance mechanisms and/or other aspects of the Municipality’s proposed HEFSP, as set forth in each Challenge, with some Challenges supported by their own expert reports;

AND IT APPEARING that, pursuant to the Program, the Administrative Office of the Courts (“AOC”) appointed and assigned the case to Program member, the Hon. **JULIO L. MENDEZ, J.S.C.** (Ret.) (“Program Member”) to manage the proceedings, host settlement

conferences, and make recommendations to the Court in accordance with the FHA and the AOC's Directive #14-24, and that the Program Member appointed **CHRISTINE A. NAZZARO-COFONE**, PP, [AICP, LEED AP], an independent affordable housing expert, as special adjudicator ("Special Adjudicator") in this case to work with, make recommendations to and assist the Program, and who worked closely with the Program Member;

AND IT APPEARING that, on **OCTOBER 10, 2025**, **NOVEMBER 25, DECEMBER 1, 2025** and **DECEMBER 9, 2025**, settlement conferences were conducted on notice to all parties with the participation of local officials, town planner, planners for FSHC, and attorneys for the Municipality and attorneys for the Challengers Mullica Hill Subdivision LLC and FSHC, in accordance with the statutory framework and Directive #14-24, and with the goal of reaching a resolution;

AND IT APPEARING that, the parties engaged in extensive settlement negotiations before and during the settlement conferences, with the guidance and assistance of the Program Member and the Special Adjudicator;

AND IT APPEARING that, as a result of the settlement conferences conducted, the Municipality and the Challengers a resolution ("Settlement"); the Settlement was placed on the record on **DECEMBER 9, 2025**; the Program consequently directed the parties to circulate a settlement agreement that was uploaded to eCourts on December 23, 2025; and the Program further directed that the governing body of the Municipality adopt a resolution to accept and confirm the Settlement, which resolution shall also be uploaded to eCourts;

AND THE COURT, having received the Program Member's report dated **JANUARY 20, 2026**, since posted to the eCourts jacket for this matter at Trans. ID: **LCV2026158028**, the

findings, terms, and recommendations of which are incorporated by reference as though more fully set forth herein (the “Report”);

AND THE COURT, having been advised that (i) the Special Adjudicator has recommended acceptance of the Settlement, (ii) the Program Member has recommended acceptance of the Settlement as reasonable and in furtherance of the interests of low- and moderate-income households in the Municipality (collectively, the “Recommendations”), and that (iii) the Program Member further recommends that the Court adopt the findings and recommendations set forth in the Report and enter an Order, *forthwith*, implementing the terms of Settlement and thereby formally approve the Municipality’s HEFSP as shall be amended) to implement the “present need” and “prospective need” obligations of the Municipality for the Fourth Round housing cycle;

AND THE COURT, having reviewed and considered the Program Member’s Report and Recommendations, having been satisfied that an arm’s length Settlement was reached and entered into by and between the parties is fair and equitable, shall provide a “realistic opportunity” for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Municipality, and thereby in their best interests, and for good and sufficient cause having otherwise been shown:

IT IS, THEREFORE, on and as of this 20th day of February 2026 **ADJUDGED AND ORDERED**, that the Program Member’s Report and Recommendations for approval of the Settlement, be, and the same hereby is **ACCEPTED** and **ADOPTED** in its entirety; and to that end, more specifically, it is further

ORDERED AND ADJUDGED, as follows:

1. The settlement terms as set forth above are approved; and

2. In accordance with N.J.S.A. §52:27D-304.1(f)(2)(c), on or before March 15, 2026, the Township shall adopt and file its Amended HEFSP that contains the terms of the settlement as well as the implementing ordinances and resolutions proposed within the Amended HEFSP; and

3. That the Petitioner is hereby immediately authorized to proceed, without further delay, to notice and adopt the implementing ordinances and resolutions proposed to ensure implementation of its Fourth Round HEFSP, incorporating therein any changes from the Program and this Court's Order, and on or before **MARCH 15, 2026**.

4. Thereafter, the Court shall schedule a HEFSP Confirmation Hearing (or, if and as may later be determined necessary by the Mt. Laurel judge, a Fairness and/or Compliance Hearing) to consider approval of the Borough's Amended HEFSP and the issuance of a Certification of Compliance and Repose; and

5. Grant the Township continued immunity from exclusionary zoning litigation for the duration of the compliance process conditioned upon the Township's compliance with its order and good faith implementation of the Amended HEFSP and good faith participation in the compliance process.

3. Failure to meet the March 15 deadline shall preclude the Court's issuance of a Certification of Compliance and Repose as required by the FHA and Directive #14-24 (as amended), and the thereby result in the Municipality losing immunity from exclusionary zoning litigation

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel, and counsel for all Challengers 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.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'R. Malestein', with a long horizontal line extending to the right.

HON. ROBERT G. MALESTEIN, P.J.CH.

Designated Mt. Laurel Judge – Gloucester Vicinage

(X) Challenged.

R. 1:7-4(a): Having reviewed and considered the Program Member’s Report and Recommendations [as well as the terms of Settlement placed on the record by the parties before the Program Member on **DECEMBER 9, 2025**, the Court is satisfied that an arm’s length Settlement was reached and entered into by and between the parties, and that the terms of the Settlement attained are fair and equitable and shall provide a “realistic opportunity” for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Municipality, and thereby in the best interests of the protected class of low- and moderate-income households in the Municipality. [This Settlement disposes of all Challenges filed, i.e., those filed by FSHC and Mullica Hill Subdivision LLC.

Accordingly, the Court hereby adopts in full the Report and Recommendations of the Program Member and accepts the same for the detailed findings and reasons set forth therein. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, continues to retain immunity from exclusionary zoning litigation, and that the Court retains jurisdiction for the Municipality’s adoption of implementing ordinance in accordance with the statutory framework and AOC Directive #14-24, by or before March 15, 2026, and thereupon, the Court’s issuance of a Certification of Compliance.

An appropriate form of Order implementing the Program Member’s Report and Recommendations accompanies this statement of reasons.

SO ORDERED.