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**IN THE MATTER OF THE  
APPLICATION OF THE BOROUGH OF  
MOUNT ARLINGTON, a municipal  
corporation of the State of New Jersey,**

**Petitioner.**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MORRIS COUNTY

DOCKET NO.: **MRS-L- 1657-15**  
Civil Case  
(*Mount Laurel*)

**FINAL JUDGMENT OF  
COMPLIANCE AND REPOSE**

**THIS MATTER**, having come before the Court by McManimon Scotland & Baumann, LLC (Leslie G. London, Esq. appearing), attorneys for Petitioner Borough of Mount Arlington (the "Borough"), via a Declaratory Judgment Complaint filed on July 7, 2015 to approve the Borough's Housing Element Fair Share Plan (hereinafter "Fair Share Plan") in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 2015 ("Mt. Laurel IV"); and the Court having granted the Borough immunity from Mount Laurel lawsuits from the time of filing of the Borough's Declaratory Judgment action (hereinafter "DJ Action"); and the Court having appointed Elizabeth K McManus, PP, as the Special Master; and Fair Share Housing Center ("FSHC") (Josh Bauers, Esq. appearing) having participated in the Borough's DJ action with the Borough's Planner, Jessica Caldwell, P.P.; and the Borough and FSHC having entered into mediation and supervised by Special Master to resolve the Borough's DJ action; and the Borough and FSHC having entered into a Settlement Agreement (hereinafter the "FSHC Settlement Agreement"); and said FSHC

Settlement Agreement having set agreed upon fair share obligations and how the Borough would satisfy same; and the FSHC Settlement Agreement having been approved by the Court during a properly noticed Fairness Hearing; and the Borough having prepared a Housing Element and Fair Share Plan, and all supporting documentation in accordance with the FSHC Settlement Agreement and the recommendation of the Special Master, which was then adopted by the Borough's Planning Board and endorsed by the Borough Council having been put on file for public review at Borough Hall thirty (30) days prior to the scheduled Compliance Hearing; and the Fair Share Plan, all of its attached exhibits, as well as other additional documents, resolutions and ordinances having been submitted to the Special Master for review; and the Special Master having submitted a Master's Report to the Court on August 6, 2019 regarding approval of the Borough's Fair Share Plan; and the Compliance Hearing having been conducted on August 9, 2019, during which all Exhibits were marked into evidence; and the Court having considered the testimonies taken during the Compliance Hearing, as well as the comments of counsel; and the Court having reviewed all of the documents submitted into evidence during the Compliance Hearing entered a Conditional Judgment of Compliance and Repose on August 26, 2019 requesting the Borough submit three (3) outstanding items set forth in the Special Master's Report; and all outstanding items having been satisfied; and for good cause having been shown;

**IT IS HEREBY ORDERED** on this 30 day of April, 2020 as follows;

1. The Borough's Housing Element and Fair Share Plan is hereby approved, and a Final Judgment of Compliance and Repose is hereby entered through July 1, 2025 as to its Rehabilitation Obligation; its Prior Round Obligation (1987-1999); and its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025) pursuant to the Court approved Settlement Agreement entered into between the Borough

and FSHC, pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”), the Uniform Housing Affordability controls (N.J.A.C. 5:80-26.1, et seq.) (“UHAC”), applicable Council on Affordable Housing (“COAH”) substantive regulations, and the Mt. Laurel case law, including the New Jersey Supreme Court’s Mt. Laurel IV decision; and

2. This Final Judgment of Compliance and Repose shall remain in effect for ten (10) years, commencing on July 1, 2015 and ending on July 1, 2025 during which time the Borough shall have complete immunity and repose from any and all Mt. Laurel lawsuits, including “builder remedy” lawsuits, “constitutional compliance actions”, and any other lawsuit brought under Mt. Laurel principles except for actions brought to enforce the terms of this Order or the Settlement Agreement; and

3. As per the Court approved Settlement Agreement between the Borough and FSHC, and as established in the Borough’s Fair Share Plan, the Borough’s Present Need or Rehabilitation Obligation is sixteen (16) units, the Borough’s Prior Round Obligation (1987-1999) is seventeen (17) units, and the Borough’s Third Round Obligations (1999-2025) is one hundred forty-seven (147) units.

4. **IT IS FURTHER ORDERED**, that a copy of this Order shall be served on all parties by counsel for Petitioner within 5 days of the date hereof.

/s Michael C. Gaus  
HON. MICHAEL C. GAUS, J.S.C.

\_\_\_\_\_ OPPOSED

\_\_\_\_\_ UNOPPOSED