

**Appendix A: Planning Board Resolution of Adoption, Governing
Body Resolution of Endorsement**

PB2025-6-15

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE FOURTH
ROUND**

WHEREAS, in March of 2024, Governor Philip Murphy signed an amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, amended Fair Housing Act established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan; and

WHEREAS, the law required municipalities to adopt a resolution by January 31, 2025 committing to affordable housing obligations for the Fourth Round and filing a declaratory relief action within 48 hours from its adoption with the Affordable Housing Dispute Resolution Program (the “Program”); and

WHEREAS, the Borough Council adopted Resolution 2025-1-54 on January 21, 2025 committing to affordable housing obligations and filing a declaratory relief action on January 23, 2025 which was within 48 hours from adoption of the resolution as required; and

WHEREAS, the Borough’s affordable housing obligations were challenged by Fair Share Housing Center (“FSHC”) and the New Jersey Builders Association (“NJBA”) before the Program; and

WHEREAS, the Borough and FSHC through the auspices of the Program entered into a Mediation Agreement (“Agreement”) dated April 2, 2025 and the NJBA accepted those terms as to its challenge; and

WHEREAS, the Agreement specified a Fourth Round Present Need of 14 units and a Prospective Need of 40 units; and

WHEREAS, by Order of the Hon. Sherri Schweitzer, P.J. Ch. Dated May 5, 2025, the Agreement was accepted by the court and established the Borough’s Fourth Round affordable housing obligations; and

WHEREAS, the Borough Planner, Brian Slaugh P.P., A.I.C.P., of Clarke Caton Hintz, P.C., has prepared a Housing Element and Fair Share Plan to address the Borough’s affordable housing obligations under amended Fair Housing Act; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13, the Planning Board scheduled a public hearing on the Housing Element and Fair Share Plan, attached hereto, for June 24, 2025 at 7:00 p.m. at Borough Hall, 49 Kirkwood Road, Gibbsboro, New Jersey 08026; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13, the Planning Board published a notice of this public hearing in the official newspaper of the municipality at least ten days before the scheduled date for the public hearing and served a copy of this notice upon the clerks of all municipalities adjoining the Borough, upon the clerk of the County Planning Board, and upon the New Jersey Office of Planning Advocacy; and

RESOLUTION ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE FOURTH ROUND

WHEREAS, a copy of the Housing Element and Fair Share Plan (hereinafter “HEFSP”) was placed on file with the Planning Board Secretary and was available for public review at least ten days before the scheduled date for the public hearing; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on June 24, 2025; and

WHEREAS, at the public hearing the Borough Planner provided professional planning testimony regarding the document and provided Board members and the public with the opportunity to ask questions and comments about the Plan.

WHEREAS, the Planning Board determined that the attached HEFSP is consistent with the goals and objectives of the current Master Plan of Gibbsboro, and that adoption and implementation of the plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Gibbsboro, County of Camden, State of New Jersey, that the Planning Board hereby adopts the HEFSP attached hereto.

BE IT FURTHER RESOLVED that the Planning Board hereby requests that the Borough Solicitor, Salvatore Siciliano, Esq., file the duly adopted Housing Element and Fair Share Plan with the Program, within 48 hours of adoption and present the duly adopted Housing Element and Fair Share Plan to the Borough Council of Gibbsboro for endorsement and approval of the spending plan.

NOW THEREFORE BE IT RESOLVED, by motion duly made by Mayor Campbell, and seconded by Dennis Deichert, that the Planning Board of the Borough of Gibbsboro, County of Camden, State of New Jersey, hereby adopts the Fourth Round Housing Plan Element and Fair Share Plan, dated June 24, 2025, following public notice and public hearing.

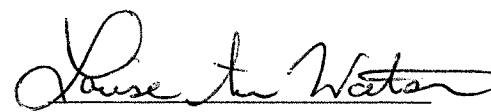
ROLL CALL VOTE

LuAnn Watson, Chairperson	Aye
Barry Rothberg, Vice Chairperson	Aye
Edward Campbell, Mayor	Aye
Councilman John Ritz	Aye
Michael Kelly	Aye
Andrew Parsinitz	Aye
Dennis Deichert	Aye
Barbara Gellura	Aye

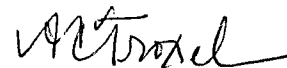
BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via internal mail to Borough Council within ten (10) days of the date of this Resolution, and a copy of this Resolution shall be filed with the Borough Clerk of the Borough, Borough Construction Official, Borough Zoning Officer, and make available to all other interested parties.

PB2025-6-15

RESOLUTION ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE FOURTH ROUND

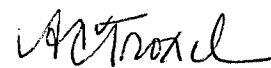


LuAnn Watson, Chairperson
Gibbsboro Planning Board



Amy C. Troxel, Secretary
Gibbsboro Planning Board

The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on June 24, 2025.



Amy C. Troxel
Secretary

2025-6-113

**RESOLUTION OF THE BOROUGH OF GIBBSBORO
ENDORING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY
THE GIBBSBORO PLANNING BOARD AND ADOPTING THE SPENDING PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2 into law, which amended the 1985 New Jersey Fair Housing Act; and

WHEREAS, the amended Fair Housing Act established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan ("HEFSP") and secure immunity from builders remedy lawsuit while developing and seeking approval of a Plan; and

WHEREAS, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number, filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025 with the Affordable Housing Dispute Resolution Program (the "Program") also within 48 hours of adoption of the Plan; and

WHEREAS, the Borough Council tasked the Borough Planner, Brian Slaugh, PP, AICP to prepare a HEFSP to address the Borough's affordable housing obligations under the amended Fair Housing Act; and

WHEREAS, Mr. Slaugh prepared a HEFSP and following public hearing, the Gibbsboro Planning Board adopted the HEFSP on June 24, 2025, which is attached hereto as Exhibit A; and

WHEREAS, in accordance with the procedure established by amended Fair Housing Act, the Borough Solicitor has filed the duly adopted HEFSP with the Program within 48 hours from adoption; and

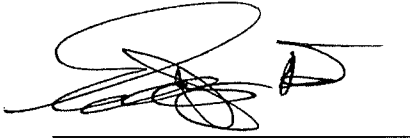
WHEREAS, the Borough Council now wishes to endorse the HEFSP adopted by the Gibbsboro Planning Board, adopt the Spending Plan, and seek approval of the HEFSP by the Program and Court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Gibbsboro, County of Camden, State of New Jersey, as follows:

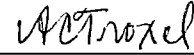
1. The Borough Council hereby endorses the HEFSP previously adopted by the Gibbsboro Planning Board and attached hereto.
2. The Borough Council hereby directs the Borough Solicitor, along with any additional documents the Borough Planner deems necessary or desirable, to file with the Program; and to seek a Compliance Certification from the Program or Vicinage area judge, as may be appropriate, formally approving the Plan.
3. The Borough reserves the right to further amend the HEFSP attached hereto, should that be necessary.

2025-6-113

RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE
GIBBSBORO PLANNING BOARD AND ADOPTING THE SPENDING PLAN



Edward G. Campbell, III
Mayor



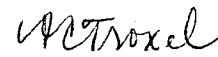
Amy C. Troxel, RMC
Borough Clerk

	AYE	NAY	ABSENT	ABSTAIN
BROWN	✓			
DETERDING			✓	
RICKERT	✓			
RITZ	✓			
WERNER			✓	
VACANCY				<i>passivity</i>

Adopted: June 25, 2025

I HEREBY CERTIFY, that the foregoing resolution is a true copy of a resolution adopted by Mayor and Council of the Borough of Gibbsboro, New Jersey at their meeting held June 25, 2025.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of this Borough.



Amy C. Troxel, RMC
Borough Clerk

**Appendix B: DJ Filing, Program Settlement, and Order Confirming
Fourth Round Obligation**

SICILIANO & ASSOCIATES, LLC

BY: Salvatore J. Siciliano, Esquire (NJ Bar ID# 027561992)

BY: Jennifer McPeak, Esquire (NJ Bar ID# 306152019)

2 Kings Highway West

Haddonfield, New Jersey 08033

(856) 795-0500 Fax (856) 795-5515

Attorney for Declaratory Plaintiff, Borough of Gibbsboro

IN THE MATTER OF THE APPLICATION OF
THE BOROUGH OF GIBBSBORO, COUNTY
OF CAMDEN

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY
LAW DIVISION

Civil Case Type 816 (Affordable Housing)

COMPLAINT FOR FOURTH ROUND
DECLARATORY RELIEF

Declaratory Plaintiff, the Borough of Gibbsboro (hereinafter "Borough" or "Gibbsboro"),
a municipal corporation of the State of New Jersey, with principal offices located at 49
Kirkwood Road, Gibbsboro, New Jersey 08026, in the County of Camden, by way of Complaint
for Declaratory Judgment says:

FOURTH ROUND CERTIFICATE OF COMPLIANCE

1. On March 20, 2024, Governor Philip D. Murphy signed into law P. L. 2024, c.2, which substantially amended the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA").
2. The Amended FHA required the Department of Community Affairs ("DCA") to produce

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non-binding estimates of Fourth Round present and prospective need on or before October 20, 2024.

3. The DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA.
4. The DCA Report calculates the Borough of Gibbsboro's Fourth Round (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 14 and a Prospective Need or New Construction Obligation of 47.
5. The Amended FHA has established a January 31, 2025 deadline for municipalities to determine and accept its Fourth Round present and prospective affordable housing fair share obligations in order to maintain immunity from exclusionary zoning litigation by timely filing a resolution, attached hereto as Exhibit A, with the Affordable Housing Dispute Resolution Program ("Program").
6. The Borough of Gibbsboro, by passing the Resolution attached hereto, commits to the Fourth Round Present Need and Prospective Need numbers produced by the alternative calculations prepared by Clarke Caton Hintz, P.C. for the Borough's fair share obligation and commits to its fair share of 2 units of Present Need and 34 units/credits of Prospective Need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently

submits in accordance with the Amended FHA and acknowledges that its fair share of affordable housing is cumulative, meaning it must also address the Prospective Need Obligations from the First, Second and Third Rounds, reflective of the prior Court-approved durational adjustments of some portion of its Prospective Need Obligations, as well as address the Fourth Round Present and Prospective Need.

7. In addition to the Resolution required by the Amended FHA, the Acting Administrative Director of the Courts issued Administrative Directive #14-24, dated December 13, 2024, and made available on December 18, 2024, mandating that a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations (i.e. Exhibit A), or by February 3, 2025, whichever is sooner.
8. The Borough reiterates its determination to voluntarily comply with the Amended FHA in order to maintain immunity from exclusionary zoning litigation and, thus, the Borough files this Declaratory Relief action, in voluntary compliance with the requirement of the Administrative Directive #14-24, seeking a Fourth Round Compliance Certification.
9. Substantial activity has occurred, and still continues to occur, surrounding the Amended FHA since the legislation was signed into law that warrants the Borough explicitly reserving certain rights to avoid any claim that it has waived them by filing this

Declaratory Relief action.

10. The Amended FHA specifically provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311m) of which the municipality intends to utilize in the crafting of its Fourth Round Housing Element and Fair Share Plan.
11. Gibbsboro reserves all rights to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such relevant action that alters the deadlines and/or requirements of the Amended FHA.
12. In the event of a third-party challenge of the calculations provided for in this Resolution, the Borough of Gibbsboro reserves the right to take such position as it deems appropriate.

WHEREFORE, Petitioner, the Borough of Gibbsboro, respectfully requests that the Court enter judgment as follows:

- a. Recognizing the Borough of Gibbsboro's Binding Fair Share Obligation Resolution, attached hereto, committing to address the Borough's Fourth Round Present Need and Prospective Need numbers as calculated by Clake Caton Hintz, P.C., which Borough's Declaratory Judgment filing timely addressed the deadlines established by the

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Amended FHA and the Administrative Directive #14-24 and affords the Borough immunity from exclusionary zoning litigation.

- b. Establishing the Borough of Gibbsboro's Fourth Round obligation as follows: 2-unit Present Need or Rehabilitation Obligation; 34-unit Prospective Need or New Construction Obligation.
- c. Declaring and granting the Borough of Gibbsboro a Durational Adjustment of some or all of its Fourth Round obligation pending the Borough's future preparation and submission of its Fourth Round housing element and fair share plan by the Program's June 30, 2025 deadline.
- d. Declaring and granting the Borough of Gibbsboro a Fourth Round Compliance Certification.
- e. Awarding such other and further relief as the Court may deem equitable and just.

SICILIANO & ASSOCIATES, LLC

Attorneys for Declaratory Plaintiff Borough of
Gibbsboro

By: *Salvatore J. Siciliano*

Salvatore J. Siciliano, Esquire

Dated: January 23, 2025

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CERTIFICATION PURSUANT TO R. 4:5-1

Salvatore J. Siciliano, Esquire does hereby certify that the within action is not the subject of any other action pending in any court, or a pending arbitration proceeding. This action may be the subject of a future action against a third-party customer. To my knowledge, there are no other non-parties who should be joined to this action at this time.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SICILIANO & ASSOCIATES, LLC
Attorneys for Declaratory Plaintiff Borough of
Gibbsboro

By: Salvatore J. Siciliano
Salvatore J. Siciliano, Esquire

Dated: January 23, 2025

DESIGNATION OF TRIAL COUNSEL

Salvatore J. Siciliano, Esquire is hereby designated as trial counsel for Petitioner, Borough of Gibbsboro in the above-captioned matter.

SICILIANO & ASSOCIATES, LLC
Attorneys for Declaratory Plaintiff Borough of
Gibbsboro

By: Salvatore J. Siciliano
Salvatore J. Siciliano, Esquire

Dated: January 23, 2025

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2025-1-54

**RESOLUTION OF THE BOROUGH OF GIBBSBORO
DECLARING THE BOROUGH OF GIBBSBORO, COUNTY OF CAMDEN'S, FOURTH
ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED
NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing ("**Fair Share Obligation**") during the 10-year period beginning on July 1, 2025 (the "**Fourth Round**"); and

WHEREAS, pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality's determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, pursuant to Section 3.e of P.L. 2024, c. 2, the estimates in the DCA Report are not binding upon municipalities and instead pursuant to Section 3.f of the aforesaid law, each municipality is to determine its own, "present and prospective fair share obligation in accordance with the formulas established in sections 6 and 7 of P.L. 2024, c.2"; and

WHEREAS, the Borough of Gibbsboro has commissioned, among other municipalities, its Borough Planner of the firm Clarke Caton Hintz, P.C., to create a state-wide model and Region 5 allocations of Present Need and Prospective Need utilizing the formulas in Sections 6 and 7 of P.L. 2024, c. 2, in accordance with the provisions thereof; and

WHEREAS, through meticulous adherence to P.L. 2024, c. 2, and the March 8, 2018, unpublished decision of In Re Application of Municipality of Princeton, decided by the Honorable Mary C. Jacobson, A.J.S.C. as required by the law, the Borough Planner determined that Gibbsboro's Present Need is 2 units and its Prospective Need is 34 units/credits; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational

2025-1-54

RESOLUTION DECLARING THE BOROUGH OF GIBBSBORO, COUNTY OF CAMDEN'S, FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS

adjustments; and

WHEREAS, based on the foregoing, Borough of Gibbsboro accepts the alternative calculations prepared by Clarke Caton Hintz, P.C., for the Borough of Gibbsboro's fair share obligations and commits to its fair share of 2 units of Present Need and 34 units/credits of Prospective Need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the "**Program**") by February 28, 2025, shall explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, pursuant to the Amended FHA, the Program shall resolve all challenges to a municipality's determination of its Fourth Round obligation by March 31, 2025, during which time the municipality shall retain its immunity from exclusionary zoning lawsuits; and

WHEREAS, Borough of Gibbsboro reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Borough of Gibbsboro also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Borough of Gibbsboro reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth Round Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, Borough of Gibbsboro seeks a certification of compliance with the FHA and, therefore, directs Salvatore Siciliano, Esq., Borough Attorney, to file a declaratory relief action within 48 hours of the adoption of this resolution in Camden County Superior Court.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Borough Council of the Borough of Gibbsboro as follows:

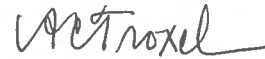
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RESOLUTION DECLARING THE BOROUGH OF GIBBSBORO, COUNTY OF CAMDEN'S, FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Gibbsboro hereby commits to a Fourth Present Need Obligation of 2 units and the Fourth Round Prospective Need Obligation of 34 units/credits as determined by Clarke Caton Hintz, P.C., and fully explained in, Determination of the Allocation of Fourth Round Affordable Housing Numbers to New Jersey Municipalities: Methodology and Rationale, dated January 10, 2025, attached hereto.
3. The Borough of Gibbsboro hereby directs Salvatore Siciliano, Esq., Borough Attorney, to file a declaratory judgment complaint in Camden County within 48 hours after adoption this resolution.
4. The Borough of Gibbsboro authorizes its Borough Attorney to attach this resolution and methodology as exhibits to the declaratory judgment action that is filed and to submit and/or file same with the Program or any other such entity as may be determined to be appropriate.
5. The Borough of Gibbsboro hereby directs Amy Troxel, RMC, Borough Clerk, to publish this resolution on the municipal website within 48 hours after adoption of this resolution.
6. This resolution shall take effect immediately, according to law.



Edward G. Campbell, III
Mayor



Amy C. Troxel, RMC
Borough Clerk

	AYE	NAY	ABSENT	ABSTAIN
BROWN	✓			
DETERDING	✓			
KARCSH	✓			
RICKERT	✓			
RITZ	✓			
WERNER	✓			

Adopted: January 21, 2025

2025-1-54

RESOLUTION DECLARING THE BOROUGH OF GIBBSBORO, COUNTY OF CAMDEN'S, FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS

I HEREBY CERTIFY, that the foregoing resolution is a true copy of a resolution adopted by Mayor and Council of the Borough of Gibbsboro, New Jersey at their meeting held January 21, 2025.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of this Borough.



Amy C. Troxel, RMC
Borough Clerk

PREPARED BY THE COURT:

**In the Matter of the Declaratory
Judgment Action of the Borough
of Gibbsboro, Camden County
Pursuant to P.L. 2024, Chapter 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
CAMDEN COUNTY
DOCKET NO. CAM-L -227-25

CIVIL ACTION

ORDER ON FAIR SHARE OBLIGATION

THIS MATTER, having come before the Court as a result of a settlement agreement between the Borough of Gibbsboro and Fair Share Housing Center.

IT IS, THEREFORE, on this **5th** day of **MAY 2025**, **ORDERED AND ADJUDGED** that the Settlement Agreement is accepted as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as 14 affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 40 affordable units for the Fourth Round housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025,

as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

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

SO ORDERED:



Sherri L. Schweitzer, P.J.Ch.

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF GIBBSBORO, DOCKET
NO. CAM-L-227-25

WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2., into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act (the "Amended Act");

WHEREAS, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act;

WHEREAS, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024;

WHEREAS, the DCA report concluded that the Borough of Gibbsboro's ("Gibbsboro" or the "Borough") fair share obligations for the Fourth Round included a Present Need of 14 units and a Prospective Need of 47 units;

WHEREAS, the Borough having filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 28, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, et seq, and the timeframes set forth in Directive #14-24;

WHEREAS, the Borough's resolution proposed to set Gibbsboro's affordable housing obligations for the Fourth Round to include a Present Need of 2 units and a Prospective Need of 34 units;

WHEREAS, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to Gibbsboro’s resolution on February 28, 2025;

WHEREAS, FSHC’s objection contended that Gibbsboro had improperly calculated its Present Need and Prospective Need obligations and should be required to utilize the calculation prepared by the DCA in its October 18, 2024 report;

WHEREAS, Gibbsboro disputes the contentions raised in FSHC’s objection;

WHEREAS, within the Affordable Housing Dispute Resolution Program (“Program”) established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program and conferred and reached an accord setting forth Gibbsboro’s Fourth Round Present Need and Prospective Need obligations, without either party admitting the validity of the others’ claims;

WHEREAS, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that DCA’s calculation of 14 units for Gibbsboro’s Fourth Round Present Need is appropriate, subject to any windshield survey, and/or other permissible techniques as established by rule or law that the Borough performs;

WHEREAS, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 40 units is within the range of possibilities of outcomes for Gibbsboro’s Fourth Round Prospective Need;

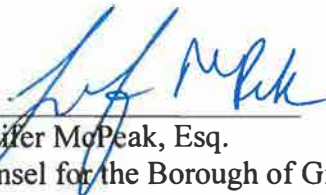
WHEREAS, resolving the Fourth Round Present Need and Prospective Need at this juncture and allowing Gibbsboro to move forward with preparing its Fourth Round HEFSP is important to the interests of lower-income households; and

WHEREAS, the Borough and FSHC thus agree to present this mediation agreement to the Program and consent to the Mediation Agreement, upon the approval by the Program, setting forth Gibbsboro's Fourth Round obligations and binding the Borough to utilize these obligations and foreclosing FSHC from further challenge to said obligations.

THEREFORE, the Borough and FSHC agree:

1. Gibbsboro's Fourth Round fair share obligations shall be set forth as follows:
 - Present Need – 14 units
 - Prospective Need – 40 units
2. A Fourth Round Fair Share Obligation of 40 units is within the range possible outcomes were the court to fully-adjudicate the Borough's Prospective Need.
3. A Fourth Round Fair Share Obligation of 40 units is fair to the interests of lower-income households.
4. The Borough and FSHC will jointly present this mediation agreement to the Program and request approval of this Agreement from the Program and if approved by the Program from the vicinage Mount Laurel judge. If the Program, trial court, or any appellate court reject approval of this Agreement, the Parties reserve their right to return to the *status quo ante*.
5. The Borough shall prepare a Fourth Round Housing Element and Fair Share Plan ("HEFSP") utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended Act of June 30, 2025. FSHC reserves all rights as to its review of the HEFSP pursuant to the Amended Act.

The undersigned, on behalf of their respective clients have consented to this Mediation Agreement and represent that they are authorized to execute it on their behalf. This Mediation Agreement shall not be further modified, amended or altered in any way except by a writing signed by both the Borough and FSHC.

By: 
Jennifer McPeak, Esq.
Counsel for the Borough of Gibbsboro

Dated: 3/27/25

By: _____
Adam M. Gordon, Esq.
Counsel for Fair Share Housing Center

Dated: