

NOTICE OF FAIRNESS AND COMPLIANCE HEARING FOR THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION (“BOROUGH”), FOR THE BOROUGH’S AMENDED SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER AND ITS HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE PERIOD 1987-2025

Docket No. UNN-L-2442-15

PLEASE TAKE NOTICE that on December 12, 2017, beginning at 10:30 A.M., there will be a Fairness and Compliance Hearing (“Hearing”) before the Honorable Karen M. Cassidy, A.J.S.C., at the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey 07207.

The purpose of the Hearing is for the Court to review and approve the Borough’s amended Settlement Agreement with Fair Share Housing Center (FSHC) as well as its updated Housing Element and Fair Share Plan, including implementing ordinances and resolutions (hereinafter the “Affordable Housing Plan”), as to whether or not these documents, taken together, fulfill the Borough’s obligation to provide a realistic opportunity to satisfy its rehabilitation, Prior Round and Third Round “fair share” of the regional need for housing affordable to low income and moderate income households pursuant to the Fair Housing Act, *N.J.S.A. 52:27D-301*, *et seq.*, the substantive, applicable regulations of the New Jersey Council on Affordable Housing (“COAH”), the New Jersey Supreme Court’s March 10, 2015 decision in the matter of *In re N.J.A.C. 5:96 & N.J.A.C. 5:97*, 221 *N.J. 1* (2015) and other applicable laws.

The Court will consider whether the Affordable Housing Plan, including the necessary implementing ordinances and resolutions, fully addresses the components of the Borough’s affordable housing obligation for the period 1987-2025. These components include the Prior Round (1987-1999) new construction obligation of 135 units, the present need rehabilitation obligation of 37 units, and the Third Round (1999-2025) present and prospective new construction obligation of 316 units. The Affordable Housing Plan provides the details of the Borough’s total affordable housing obligation and the mechanisms by which it proposes to fulfill that obligation. The draft of the Borough’s Affordable Housing Plan will be available for public inspection and/or photocopying (at requestor’s expense) between the hours of 9:00 A.M. to 4:00 P.M. at the Borough Clerk’s office located at 360 Elkwood Avenue, New Providence, New Jersey 07974.

On the date of the Hearing, the Court will conduct an amended Fairness and Compliance Hearing to determine whether the amended Settlement Agreement is fair to the interests of the region’s low and moderate income households and whether the Affordable Housing Plan creates a realistic opportunity for the satisfaction of the Borough’s affordable housing obligation for the period from 1987-2025 pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act (*N.J.S.A. 52:27D-301*, *et seq.*) and all amendments thereto, the applicable procedural and substantive regulations of COAH, the Supreme Court’s March 10, 2015 decision in the matter of *In re N.J.A.C. 5:96 & N.J.A.C. 5:97*, 221 *N.J. 1* (2015), the Uniform Housing Affordability Controls (*N.J.A.C. 5:80-26.1*, *et seq.*), and the terms of the amended Settlement Agreement.

The Borough seeks a Judgment of Fairness and Compliance and Repose formally approving the amended Settlement Agreement and the Affordable Housing Plan, subject to any conditions that may be imposed by the Court on the Affordable Housing Plan, which Judgment of Fairness and Compliance and Repose will entitle the Borough to protection from any Mount Laurel builder's remedy lawsuits through July 1, 2025..

Any interested third party that seeks to appear and be heard at the December 12, 2017 Hearing on the Borough's amended Settlement Agreement and Affordable Housing Plan shall have the opportunity to present its position on these matters. Objections or comments by any interested party must be filed with the Court at the above address on or before November 30, 2017 with duplicate copies being forwarded by mail and e-mail to the attention of the following:

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This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the Borough's amended Settlement Agreement and its Affordable Housing Plan and to inform such parties, as well, that they are able to comment on said Settlement Agreement and Affordable Housing Plan before the Court reviews and determines whether or not to approve the amended Settlement Agreement and Affordable Housing Plan. This Notice does not indicate any view by the Court as to the fairness of the amended Settlement Agreement or the adequacy of the Borough's Affordable Housing Plan.