

**NOTICE OF FAIRNESS AND COMPLAINT HEARING FOR THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION (“BOROUGH”), FOR THE BOROUGH’S SETTLEMENT AGREEMENT TO ADDRESS THE BOROUGH’S OBLIGATION TO PROVIDE AFFORDABLE HOUSING TO LOW AND MODERATE INCOME HOUSEHOLDS**

**Docket No. UNN-L-2442-15**

**PLEASE TAKE NOTICE** that on September 23, 2019, beginning at 10:30 A.M., there will be a Fairness and Compliance Hearing (“Hearing”) before the Honorable before 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 Settlement Agreement with Fair Share Housing Center (“FSHC”), Linde North America, Inc., (“Linde”) and Becton Dickinson and Company, f/k/a/ C.R. Bard, Inc. (“Becton”) which satisfies the Borough’s obligation address 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 Housing Element and Fair Share 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 include the Prior Round (1987-1999), new construction obligation of 135 units, a rehabilitation obligation of 37 units, and a Third Round (1999-2025) new construction obligation of 316 units. The Settlement Agreement and the Housing Element and Fair Share Plan provides a detailed list of the Borough’s total affordable housing obligation and compliance mechanisms that demonstrate the Borough’s compliance with those affordable housing obligations. 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 Final Compliance Hearing to determine whether the Housing Element and Fair Share Plan creates the 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 Settlement Agreement previously approved by the Court on April 8, 2019.

The Borough seeks a Judgment of Fairness and Compliance and Repose formally approving the amended Settlement Agreement and the Housing Element and Fair Share 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 September 23, 2019 Hearing on the Township's 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 September 13, 2019 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 Settlement Agreement and its Affordable Housing Plan and to inform such parties, as well, that they are able to comment on said 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 Township's Affordable Housing Plan.