

NOTICE OF FAIRNESS HEARING FOR THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET ("BOROUGH"), REGARDING A SETTLEMENT AGREEMENT RELATED TO THE BOROUGH'S OBLIGATION TO PROVIDE AFFORDABLE HOUSING TO LOW AND MODERATE HOUSEHOLDS FOR THE AFFORDABLE HOUSING PERIOD 1987-2025

Docket No. SOM-L-902-15

PLEASE TAKE NOTICE that on August 9, 2018, beginning at 9:00 A.M., there will be a Fairness Hearing ("Hearing") before the Honorable Thomas C. Miller, at the Somerset County Courthouse, 20 North Bridge Street, P.O. Box 3000, Somerville, New Jersey 08876-1262, Court Room HCH1 ("Court").

The purpose of the Hearing is for the Court to consider whether the Settlement Agreement between the Borough and Fair Share Housing Center will meet 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 Settlement Agreement fully addresses the existing components of the Borough's affordable housing obligations for the period 1987-2025, including the Prior Round (1987-1999), a rehabilitation obligation of 4 units, and the Third Round (1999-2025) new construction obligation of 396 units, which obligation is subject to a vacant land adjustment that establishes a Realistic Development Potential of 53 units. The new construction obligation may be subject to future modification. The proposed Settlement Agreement provides a detailed list of the Borough's total affordable housing obligation and compliance mechanisms demonstrating the Borough's compliance with those affordable housing obligations. The Settlement Agreement will be available for public inspection and/or photocopying (at requestor's expense) during regular business hours between the hours of 8:00 A.M. and 4:00 P.M. on Mondays through Thursdays, and 8:00 A.M. to 1:00 P.M. on Fridays at the Borough Clerk's office located at Borough Hall, 15 Mountain Boulevard, Watchung, New Jersey 07069.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreement is fair to low and moderate income households and creates a realistic opportunity for satisfaction of the Borough's affordable housing obligations pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), and

the applicable procedural and substantive regulations of COAH and 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), to satisfy the Borough's affordable housing responsibilities for the period 1987-2025.

The Borough will seek a Judgment of Compliance and Repose formally approving the Settlement Agreement, subject to appropriate conditions, if any, that may be imposed by the Court, which Judgment of Compliance will entitle the Borough to protection from any Mount Laurel builder's remedy lawsuits for a period to be determined by the Court.

Any interested third party that seeks to appear and be heard at the August 9, 2018 Hearing on the Settlement Agreement shall have the opportunity to present any position on the Settlement Agreement. Objections or comments by any interested person must be filed with the Court at the above address on or before July 30, 2018, with duplicate copies forwarded by mail and e-mail to the attention of the following:

Steven A. Kunzman, Esq.
DiFrancesco, Bateman
15 Mountain Boulevard
Warren, New Jersey 07059
skunzman@newjerseylaw.net

Albert E. Cruz, Esq.
DiFrancesco, Bateman
15 Mountain Boulevard
Warren, New Jersey 07059
acruz@newjerseylaw.net

Adam Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002-3318
adamgordon@fairsharehousing.org

Frank Banisch, P.P.
Banisch Associates, Inc.
111 Main Street
Flemington, New Jersey 08822
frankbanisch@banisch.com

Marcia Shiffman, P.P.
Maser Consulting P.A.

53 Frontage Road
Suite 120
Clinton, New Jersey 08809
mshiffman@maserconsulting.com

This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the proposed Settlement Agreement and inform such parties that they are able to comment on the Settlement Agreement before the Court reviews and evaluates whether to approve the Settlement Agreement. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Settlement Agreement.

Michelle DeRocco, RMC
Clerk of the Borough of Watchung