

TOWNSHIP OF WALL

PUBLIC NOTICE OF “FAIRNESS HEARING” TO APPROVE SETTLEMENT OF MOUNT LAUREL LITIGATION

PLEASE TAKE NOTICE that a “Fairness Hearing” will be held on October 18, 2019 before the Honorable Linda Grasso Jones, J.S.C, Superior Court of New Jersey, Law Division, at 9:00 a.m. at the Superior Court of New Jersey, Monmouth County, 71 Monument Street, Freehold, New Jersey 07728 to consider a proposed Settlement Agreement between the Township of Wall and Fair Share Housing Center in the Mount Laurel Declaratory Action entitled In the Matter of the Application of the Township of Wall, County of Monmouth, Docket Number MON-L-5604-05. Through this judicial proceeding, the Court will evaluate whether the proposed Settlement Agreement is fair and reasonable to the region’s low and moderate income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J.Super. 359 (Law Div.1984), aff’d o.b., 209 N.J.Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J.Super. 311 (App. Div. 1996).

Fair Share Housing Center (“FSHC”), a public interest organization representing the housing rights of New Jersey's low- and moderate-income households and an interested party in connection with the above-referenced lawsuit, has sought to enhance opportunities for low- and moderate-income housing within the Township of Wall. The Township of Wall and FSHC have resolved various substantive issues concerning Wall’s affordable housing “fair share” and the means by which the Township intends to satisfy those obligations, subject to all required public hearings. The terms of the settlement have been memorialized in a formal Settlement Agreement, which was entered into on July 26, 2019.

The agreed upon terms of the settlement include, but are not limited to, the following:

1. The agreed upon Rehabilitation Obligation is 114.
2. The agreed upon Prior Round Obligation is 1,073.
3. The agreed Gap + Prospective Need or Round 3 Obligation (1999-2025) is 1,250.
4. The Township has 19 rehabilitation credits it can apply to its Rehabilitation Obligation of 114, and will address its remaining 95-unit Rehabilitation Obligation through continued participation in the Monmouth County Rehabilitation Program and through the continuing implementation of its local rehabilitation program.
5. The Township has fully satisfied its Prior Round Obligation of 1,073 through a combination of prior cycle credits, inclusionary housing developments, 100% affordable housing developments, market to affordable projects, assisted living facilities, alternative living arrangements, Regional Contribution Agreements (“RCAs”) and rental bonus credits.
6. The Township will address its Round 3 Obligation of 1,250 as follows:
 - a. 5 surplus Prior Round credits.
 - b. 8 affordable age restricted credits from the existing Sunnyside Assisted Living Facility (Block 805, Lot 39.01).
 - c. 8 affordable bedroom credits from two existing AWS Group Homes (Block 729, Lots 4.03 and 4.04).

- d. 1 family for-sale affordable housing credit from an existing Habitat For Humanity house located at Block 25, Lot 59.
- e. 27 affordable age-restricted rental units from the existing Colfax Project (Block 240, Lot 54).
- f. 85 affordable age-restricted rental units from the approved and funded Allenwood Terrace Senior Housing Project (Block 801, Lot 1).
- g. 24 affordable family rental units from the Glen Oaks Inclusionary Project (Block 774, Lot 8).
- h. 50 affordable family rental units from the Edgewood Properties Inclusionary Project (Block 815, Lot 5).
- i. 130 supportive needs affordable housing credits from the Hope Chapel Project (Block 909, Lot 1).
- j. 150 affordable age-restricted rental units from the Holly Boulevard Project (Block 874, Lot 4).
- k. 46 affordable family rental units from the Schwartz Site Inclusionary Project (Block 913, Lots 2, 3 and 15).
- l. 130 affordable family units from the Route 33/34 – Asbury Road Redevelopment Zone.
- m. 32 affordable family rental units from the Long Meadow Commons Inclusionary Project (Block 151, Lot 10.01).
- n. 59 affordable family units from the Motel Affordable Housing Zone.
- o. 10 affordable senior rental units from the Kurtz Inclusionary Project (Block 819, Lots 12 and 13).
- p. 32 affordable family for-sale units from the American Properties Project (Block 912, Lots 2 and 4.02).
- q. 21 affordable family for-sale units from the K. Hovnanian Project (Block 942, Lot 132).
- r. 32 affordable age-restricted rental units from the Peddler’s Village Project (Block 810, Lots 1 and 3).
- s. 19 affordable family for-sale units from scattered sites.
- t. 68 affordable units (34 family for-sale units and 34 family rental units) from the Mack-Cali Project (Block 930, Lots 6 and 18).
- u. 313 rental bonus credits.

The proposed Settlement Agreement has been placed on the Township’s website and on file for public inspection and copying during regular business hours at the Office of the Township Clerk, Township of Wall 2700 Allaire Road Wall, New Jersey 07719. Any interested party, including any low or moderate income person residing in the housing region, any organization representing the interests of low- and moderate-income persons, any owner of property in the Township of Wall, or any organization representing the interests of owners of property in the Township of Wall may file comments on, or objections to, the Settlement Agreement. The Township requests that all objections provide: (1) A clear and complete statement as to each aspect of the Township’s Settlement Agreement contested by the objector; (2) an explanation of the basis for each objection; (3) copies of any and all expert reports, studies, or other data relied upon by the objector; (4) proposed modifications, changes, or other measures which the objector contends would resolve the objector’s dispute with the Township and (5) an explanation of how the

objector's proposals are consistent with the Fair Housing Act ("FHA"), applicable COAH regulations, and applicable case law. Such comments or objections, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before September 24, 2019 at 4:00 p.m. with the Honorable Linda Grasso Jones, J.S.C., at the Monmouth County Courthouse located at 71 Monument Street, Freehold, New Jersey 0772, with copies of all papers being forwarded by mail or e-mail to:

Erik C. Nolan, Esq.
Jeffrey R. Surenian and Assoc., LLC
707 Union Avenue, Suite 301
Brielle, NJ 08730
en@Surenian.com

William J. Wolf, Esq.
Bathgate, Wegener & Wolf
One Airport Rd.
PO Box 2043
Lakewood, NJ 08701
wwolf@bathweg.com

Adam Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
adamgordon@fairsharehousing.org

Frank J. Banisch, III, PP/AICP
Banisch Associates
111 Main Street
Flemington, NJ 08822
frankbanisch@banisch.com

Jeffrey Bertrand, Township Administrator
Township of Wall
2700 Allaire Road
Wall, NJ 07719
jbertrand@townshipofwall.com

This Notice is intended to inform all interested parties of the existence of the proposed Settlement Agreement and the possible consequences of Court approval of the Settlement Agreement, which may ultimately lead to a Judgment of Compliance and Repose or the judicial equivalent of a grant of Substantive Certification pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329. It does not indicate any view by the Court as to the merits of the Township's Mount Laurel Declaratory Action, the fairness, reasonableness, or adequacy of the proposed settlement, or whether the Court will approve the Settlement Agreement.