

TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH
PUBLIC NOTICE OF “FAIRNESS AND COMPLIANCE HEARING” TO APPROVE AN
AMENDED SETTLEMENT AGREEMENT AND AFFORDABLE HOUSING PLAN IN
MOUNT LAUREL LITIGATION

Docket Number: MON-L-6026-08

PLEASE TAKE NOTICE that a joint “Fairness And Compliance Hearing” will be held **virtually** on August 19, 2021 beginning at 9:00 a.m. before the Honorable Linda Grasso Jones, J.S.C. at the Monmouth County Courthouse located at 71 Monument Park, Freehold, New Jersey 07728, to consider the Affordable Housing Amended Settlement Agreement (“Amended Agreement”) entered into between the Township of Freehold and Fair Share Housing Center (“FSHC”) in the Mount Laurel Declaratory Action entitled, In the Matter of the Application of the Township of Freehold, County of Monmouth, Docket No.: MON-L-6026-08. The purpose of the Joint Hearing is for the Court to determine whether the Amended Agreement is fair and reasonable to the protected class and to determine if the adopted Housing Element and Fair Share Plan (“HEFSP”) of the Township of Freehold, which implements the Amended Agreement, satisfies the Township’s obligation to provide a realistic opportunity to satisfy the Rehabilitation, Prior Round and Round 3 components of its “fair share” of the regional need for housing affordable to low- and moderate-income households pursuant to (1) the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et. seq., (2) applicable substantive regulations of the New Jersey Council on Affordable Housing (“COAH”), (3) the Amended Agreement entered into between FSHC and the Township of Freehold, and (4) other applicable laws. Through this judicial proceeding, the Court will evaluate whether the proposed Amended 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). If the Court approves the Amended Agreement and determines that the Township’s HEFSP satisfies its obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Round 3 components of its “fair share,” it will enter a Round 3 Judgment of Compliance and Repose, which among other things, will provide Freehold Township legal protection (repose) from all Mount Laurel exclusionary lawsuits through July 2, 2025.

The Township has presented to the Court, and placed on file with the Township Clerk, a copy of the Amended Agreement, a copy of the adopted HEFSP, along with various other related documents. These documents are available for public inspection at the office of the Township Clerk located at One Municipal Plaza, Freehold, NJ 07728, during normal business hours. In addition, you may contact the Township’s Affordable Housing Attorney, Michael Edwards, Esq. to request a copy of these documents be sent to you. Any person who wishes to participate in the hearing can obtain the information from the Township’s website or by contacting Michael Edwards, Esq.

The Township’s HEFSP can be summarized as follows :

1. Freehold Township’s “Prior Round” obligation is 1,036.
2. Freehold Township’s “Rehabilitation” obligation is 100.
3. Freehold Township’s Round 3 Obligation is 1,509 units.

4. Freehold Township's adjusted fair share obligation ("Realistic Development Potential" or "RDP") is 835.
5. The Deferred or Durationally Adjusted component of the obligation is 674.

Satisfaction of the Rehabilitation Obligation: The Township has a 100-unit rehabilitation obligation, which it will address through participation in an eligible Monmouth County program and/or other program. In either event, the mechanism(s) will address both affordable rental and for-sale units.

Satisfaction of the Prior Round Obligation: The Township has a 1,036-unit Prior Round obligation, which the Township has satisfied through the compliance mechanisms annexed to the FSHC Settlement Agreement as Exhibit B.

Satisfaction of the Round 3 Realistic Development Potential: The Township lacks sufficient land and sewer and/or water to address its Round 3 new construction obligation of 1,509. The Township shall satisfy its 835-unit RDP within the sewer service area through the compliance mechanisms annexed to the FSHC Amended Settlement Agreement as Exhibit B.

Addressing the Durationally Adjusted Portion of the Round 3 Regional Need: For the purposes of settlement, the Township agrees to address the 674-unit remaining portion of its allocation of the Round 3 regional need through the overlay zones at 1) Chadwick Square and Adjacent Lots (Block 80, Lots 4, 5, 6 & 7); 2) Bank of America (Block 70.05, Lot 10); 3) Red Roof Inn/Verizon (Block 65.01, Lot 16 portion & 17); and 4) Freehold Mall/Burlington Coat Factory (Block 50, Lot 25). In addition, the Township shall adopt a mandatory set aside ordinance.

Any interested party may file written comments on, or objections to, the Township's Amended Settlement Agreement and/or HEFSP. Objections must provide: 1) A clear and complete statement as to each aspect of the Township's Amended Settlement Agreement and/or HEFSP contested by the objector; 2) An explanation of the basis for each objection; and 3) copies of all such expert reports, studies, or other data relied upon by the objector. In order for an objector to testify during the Joint Fairness and Compliance Hearing, an accompanying written expert report must be filed with all interested parties by the deadline below.

Such comments or objections, together with copies of any supporting affidavits or other documents, **must be filed in writing**, on or before August 6, 2021 at 4:00 p.m. with the Honorable Linda Grasso Jones, J.S.C, at Monmouth County Courthouse located at 71 Monument Park, Freehold, New Jersey 07728, with copies of all papers being forwarded by mail or e-mail to:

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This Notice is intended 1) to inform all interested parties of the existence of an amended Settlement Agreement, and adopted HEFSP, and of documents on file that explain the specific manner in which the Township proposes to address its “fair share” of affordable housing; and 2) to explain the consequences of Court approval of the Township’s amended Settlement and HEFSP; namely, immunity from any Mount Laurel lawsuits through July 2, 2025. This Notice does not indicate any view by the Court, the Special Master, the Township, or FSHC as to whether the Court will approve the manner in which the Township proposes to satisfy its fair share.