

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

PLEASE TAKE NOTICE that a “Fairness Hearing” will be held on December 20, 2018 before the Honorable Thomas C. Miller, P.J. Cv., Superior Court of New Jersey, Law Division, at 3:00 p.m. at the Somerset County Courthouse located at 20 N. Bridge Street, 2nd Floor, Somerville, NJ 08876, to consider a proposed Settlement Agreement between Borough of Far Hills and Fair Share Housing Center in the Mount Laurel Declaratory Action styled In the Matter of the Application of the Borough of Far Hills, County of Somerset, Docket Number SOM-L-903-15. 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 poor and interested party in connection with the above-referenced lawsuit, has sought to enhance to opportunities for low and moderate income housing within the Borough of Far Hills. The Borough of Far Hills and FSHC have resolved various substantive issues concerning Far Hill’s affordable housing “fair share” and the means by which the Borough intends to satisfy those obligations, subject to all required public hearings. The terms of the settlement have been memorialized in a formal Settlement Agreement.

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

- The Rehabilitation obligation is 4.
- The Prior Round Obligation is 38.
- The Borough’s allocation of the Round 3 regional need (gap period and prospective need) is 75.

The Borough has a 4- units rehabilitation obligation, and shall satisfy that obligation as follows:

- a) The Borough shall participate in the Somerset County CDBG Rehabilitation Program to secure funding to rehabilitate four substandard residential units occupied by income-eligible households.
- b) If for some reason, the Somerset County CDBG Rehabilitation Program cannot provide funding to rehabilitate four substandard units, the Borough shall appropriate funding from the Borough’s affordable housing trust fund to pay for rehabilitation of two substandard units occupied by income-eligible households.
- c) If it is found that there are no substandard housing units occupied by income-eligible households, the Borough may seek an adjustment to the rehabilitation obligation by application to the Court on notice to and with opportunity to respond by all parties to this agreement, which shall be documented through a structural conditions survey conducted in accordance with accepted standards for a housing survey as indicated in N.J.A.C. 5:93-5.2 Appendix C.

The Borough has a 38-unit Prior Round obligation, and shall be satisfied as follows:

PROJECT	UNITS	FAMILY	RENTAL	A-R	RENTAL BONUS	UNITS & BONUSES
A. Polo Club (Sunnybranch Road) gen. public for-sale	8	8	-	-	-	8
B. Dumont Road Apts. (25 Dumont) AR/rental	6	0	6	6	-	6
C. Hotz Apts. (8-10 Peapack Rd) gen. public rental	5	5	5	-	5	10
D. Melillo (220 Route 202) Gen. public rental	5	5	5	-	5	10
D. Melillo (220 Route 202) AR/rental	4	0	4	4	-	4
TOTALS	28	18	20	10	10	38

The Borough has a 75-unit Round 3 obligation, and will satisfy that obligation with the following projects that will yield a total of 76 units and rental bonus credits to satisfy the Third Round Obligation:

PROJECT	UNITS	FAMILY	RENTAL	VL-I	RENTAL BONUS	UNITS & BONUSES
A. Polo Club (Sunnybranch Road) gen. public for-sale	17	17	0	0	0	17
B. Matheny Group Home (46 Peapack Rd) Supportive & Special Needs	8	0	8	8	8	16
C. Hotz Apts. (8-10 Peapack Rd) gen. public rental	2	2	2	1	2	4
D. Melillo (220 Route 202) Gen. public rental	20	20	20	3	9	29
E. Accessory Apartment Program	10	0	10	2	0	10
TOTALS	57	39	30*	12**	19	76

*Total would be 40 rental units including 10 accessory apartments, which are not included in compliance parameter analysis. ** Total would be 14 Very low-income units including 2 very low-income accessory apartments, not included in the compliance parameter analysis below.

The executed Settlement Agreement shall be placed on file 30 days prior to the hearing date for public inspection and copying during regular business hours at the Office of the Borough Clerk, Borough of Far Hills, 6 Prospect Street, Far Hills, NJ 07931. 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 Borough of Far

Hills, or any organization representing the interests of owners of property in the Borough of Far Hills may file comments on, or objections to, the executed Settlement Agreement. The Borough requests that all objections comply with N.J.A.C. 5:91-4.1 and 4.2, which provide minimum standards to which objections must comply. Such comments or objections, together with copies of any supporting affidavits or other documents must be filed in writing, on or before December 21, 2018 with the Honorable Thomas C. Miller, P.J. Cv. at the Superior Court of NJ, Somerset County, 20 N. Bridge Street, 2nd Floor, Somerville, NJ 08876, with copies of all papers being forwarded by mail or e-mail to:

Michael A. Jedziniak, Esq.

Jeffrey R. Surenian and Associates, LLC
707 Union Avenue, Suite 301
Brielle NJ 08730
maj@surenian.com

Dorothy Hicks, Clerk

Borough of Far Hills
6 Prospect Street
Far Hills, NJ 07931
dhicks@FarHillsNJ.org

Adam Gordon, Esq.

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

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 Final Round 3 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 Borough’s Mount Laurel Declaratory Action, the fairness, reasonableness, or adequacy of the proposed settlement, or whether the Court will approve the settlement.