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# FAIR SHARE HOUSING CENTER

April 4, 2024

**Via eCourts**

The Hon. Kevin M. Shanahan, A.J.S.C.  
Somerset County Superior Courthouse  
20 North Bridge Street  
Somerville, New Jersey 08876

**Re: IMO The Application of the Borough of Far Hills, Somerset County**  
Docket No.: SOM-L-903-15

Dear Judge Shanahan:

Please accept this letter on behalf of Fair Share Housing Center ("*FSHC*") in response to the motion for intervention and to enforce litigant's rights filed by Pulte Homes of NJ, Limited Partnership ("*Pulte*") and the motion for limited intervention filed by Sohail Khan ("*Khan*") in this *Mount Laurel* declaratory judgment action ("*DJ Action*").

FSHC generally does not oppose intervention by Pulte, as its inclusionary site is a key Prior and Third Round compliance mechanism for the Borough as part of its October 15, 2018 settlement agreement. The project represents over a third the Borough's proposed affordable housing credits. With respect to Pulte's motion to enforce litigant's rights, FSHC leaves Pulte to the arguments set forth in its motion papers.

With respect to Khan's motion, FSHC opposes their intervention and agrees with the arguments set forth in Pulte's opposition papers. The Borough of Far Hills received a Final Judgment of Compliance and Repose on November 14, 2023. Although intervention is often liberally granted in these matters, Khan does not seek to challenge the Borough's continued constitutional compliance or whether the Pulte site still presents a realistic opportunity for the construction of affordable housing. Rather, Khan explicitly seeks to protect its individual property rights through a nuisance action, and the DJ Action is not the proper forum for doing so.

If the court grants either of the above motions for intervention, due to the critical role of the Pulte site in the Borough's fair share plan and in order to ensure the issues presented here can be resolved expeditiously, FSHC suggests that the parties, within a limited time frame and with the assistance of the Special Master, attempt to reach agreement through mediation.

Thank you for your attention to this matter.

Respectfully,



Will Fairhurst, Esq.  
Counsel for Fair Share Housing Center

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C: All attorneys of record on eCourts