

BOROUGH OF FAR HILLS
MIDPOINT REVIEW REPORT

The Borough of Far Hills' Settlement Agreement with Fair Share Housing Center ("FSHC") requires that the Borough comply with the statutory midpoint review requirements of the Fair Housing Act ("FHA") and specifically N.J.S.A. 52:27D-313, which provides in relevant part: "[t]he Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public." Pursuant to the FSHC Settlement Agreement, that review requires the Borough to post on its website, with a copy to FSHC, and an opportunity for comment, a status report regarding its compliance mechanisms and whether or not unbuilt sites/unfulfilled mechanisms continue to present a realistic opportunity. The Settlement also contemplates review of unmet need/deferred mechanisms, though the realistic opportunity for the construction of those mechanisms during the compliance period is not applicable.

On July 2, 2015, the Borough of Far Hills filed a Declaratory Judgment Action, seeking to comply with its third round obligation in the manner prescribed by the Supreme Court in Mount Laurel IV. On October 15, 2018, the Borough entered into a global Settlement Agreement with FSHC. A Fairness Hearing was held on December 20, 2018, during which the Court approved the FSHC Settlement Agreement, which was memorialized in an Order dated February 26, 2019. The Borough is currently in the compliance phase of the Declaratory Judgment process, and a Compliance Hearing will be scheduled within the next few months. Since the December 20, 2018 Fairness Hearing, the Borough has diligently enacted the appropriate ordinances and taken all measures necessary and appropriate to expeditiously implement the affordable housing plan that fully satisfies municipal affordable housing obligations approved by the Court. As of the date of this submission, the Borough has entered into affordable housing agreements for each of the affordable housing developments identified in the plan; adopted the requisite zoning ordinances; and is currently working with each developer through the local, County and State application and approval process. The Court will determine at the Compliance Hearing whether the Borough's Housing Element and Fair Share Plan creates a realistic opportunity for the construction of affordable housing. This hearing will be noticed in advance and all documents will be placed on file with the municipal Clerk for public inspection upon notice to the public.