

BOROUGH OF FAIR HAVEN, COUNTY OF MONMOUTH

NOTICE OF MOUNT LAUREL COMPLIANCE HEARING ON THE HOUSING ELEMENT AND FAIR SHARE PLAN OF THE BOROUGH OF FAIR HAVEN, COUNTY OF MONMOUTH

Docket Number: MON-L-893-19.

PLEASE TAKE NOTICE that on April 29, 2021 beginning at 9:00 a.m. the Honorable Linda Grasso Jones, J.S.C. will conduct a “Compliance Hearing” In the Matter of the Application of the Borough of Fair Haven, County of Monmouth bearing Docket No. MON-L-893-19 (“the Action”) at the Monmouth County Courthouse located at 71 Monument Park, Freehold, NJ, 07728. Please note that if the courthouse is still closed at that time, the hearing may take place via video conference. Information about courtroom closings is available at njcourts.gov, and if the Court is still closed at that point any interested party should contact the office of Michael J. Edwards, Esq. at 732-612-3100 at least 48 hours in advance of the hearing to determine how they can participate.

The purpose of the Compliance Hearing is for the Court to (i) determine whether the Housing Element and Fair Share Plan (hereinafter “HEFSP”) of the Borough of Fair Haven, satisfies the Borough’s obligation to provide a realistic opportunity for satisfaction of its “fair share” of the regional need for housing affordable to low- and moderate-income households, which includes the Borough’s Rehabilitation, Prior Round and Round 3 obligations. The fair share has been established based upon the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq., and other applicable laws and is memorialized in the Settlement Agreement entered into between Fair Share Housing Center (“FSHC”) and the Borough of Fair Haven, approved by the Court at a properly noticed Fairness Hearing on May 20, 2020 and memorialized by an approval Order entered by the Court on June 3, 2020. If the Court determines that the Borough has satisfied its obligation to provide a realistic opportunity to satisfy its “fair share,” the Borough will request that the Court enter a Judgment of Compliance and Repose, which will give Fair Haven protection from Mount Laurel lawsuits until July 2, 2025; and (ii) present an Amendment to the previously Court-Approved Developers Agreement between the Borough of Fair Haven and M&M Realty Partners at Fair Haven, LLC (“M&M”). The M&M Amendment does not modify any of the affordable housing requirements as articulated in the Court-approved original Agreement.

The HEFSP and additional documents on file in the Borough’s Municipal Building describe how the Borough will address its “fair share”. The various elements of the Borough’s Fair Share Plan are summarized as follows:

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

1. Fair Haven’s “Rehabilitation” obligation is 0.
2. Fair Haven’s “Prior Round” obligation is 135.
3. Fair Haven’s allocation of the “Round 3” (1999-2025) regional need is 236.

Satisfaction of the Rehabilitation Obligation: The Borough does not have a Rehabilitation Obligation.

Satisfaction of the Borough's RDP: The Borough has a combined Prior Round (1987-199) and Gap+ Prospective Need (1999-2025) Realistic Development Potential ("RDP") of 4, which it will satisfy as follows:

M&M	2 units	Family Inclusionary	Proposed
Habitat	2 units	Family rental or sale/ Municipally-sponsored	Proposed
Total	4 + eligible bonuses		

Addressing "unmet need": For the purposes of the FSHC settlement, the Borough agrees to address its 367 combined Prior Round (1987-1999) and Gap + Prospective Need (1999-2025) unmet need through a development fee ordinance, a mandatory set aside ordinance and overlay zoning at the following locations, which are identified in the FSHC Settlement Agreement and shown in Exhibit B to the Agreement:

- Site 1 (Downtown): Residential density of 20 du/ac
- Site 2 (Methodist Church): Density of 10 du/ac for age-restricted housing
- Block 27, Lots 56, 57, 58: Residential density of 15 du/ac
- Block 28, Lot 18, 19, 23.1, 25 and 26: Residential density of 20 du/ac

The Borough has presented to the Court, and placed on file with the Borough Clerk, located at 784 River Road, Fair Haven, NJ, 07704 with a copy of HEFSP, Developers Agreement, and various other related documents. Given the COVID-19 crisis and the Borough's current operating schedule, you may contact the Borough Clerk at 732-747-0241 or by email at Acinquegrana@fhboro.net, during normal business hours, to request a copy of the documents be sent to you. In addition, you may contact Michael J, Edwards, Esq. to request a copy of these documents be sent to you; his contact information is listed below.

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 Fair Haven, or any organization representing the interests of owners of property in the Borough of Fair Haven may file comments on, or objections to, the proposed Affordable Housing Plan. The Borough requests that all objections provide: (i) A clear and complete statement as to each aspect of the municipality's Settlement Agreement contested by the objector; (ii) An explanation of the basis for each objection; (iii) Copies of all such expert reports, studies, or other data relied upon by the objector. Such comments or objections, together with copies of any supporting affidavits or other documents, **must be filed in writing**, on or before April 20, 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, NJ, 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 adopted and endorsed HEFSP, and of documents on file that explain the specific manner in which the Borough proposes to address its “fair share” of affordable housing; and 2) to explain the consequences of Court approval of the Borough’s 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 Borough, or FSHC as to whether the Court will approve the manner in which the Borough proposes to satisfy its fair share.