

Mount Laurel declaratory judgment action ¹ in accordance with East/West Venture v. Bor. of Fort Lee, 289 N.J. Super. 311 (App. Div. 1996) and 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 the terms of the settlement being set forth in a written agreement entered into by and between the municipality and FSHC dated December 12, 2017, last signed on December 13, 2017 (the "initial Settlement Agreement"), which initial Settlement Agreement is expressly subject to court approval following a Fairness Hearing; and the Court having found apparent merit in the initial Settlement Agreement to warrant scheduling a Fairness Hearing in accordance with Morris County Fair Housing Council, 197 N.J. Super. at 369, 374; and the court having scheduled the Fairness hearing on the initial Settlement Agreement for February 12, 2018 and having entered an order memorializing same on December 19, 2017; and the Township and FSHC having entered into an Amended Settlement Agreement dated February 5, 2018, last signed on February 7, 2018 (the "Amended Settlement Agreement"), which Amended Settlement Agreement is expressly subject to court approval following a Fairness Hearing; and the Court having found apparent merit in the Amended Settlement Agreement to warrant scheduling a Fairness Hearing on the Amended Settlement Agreement; and the court determining that the Fairness Hearing scheduled on

¹ The within Mount Laurel declaratory judgment action was brought pursuant to Mount Laurel IV, 221 N.J. 1 (2015).

the initial Settlement Agreement for February 12, 2018 cannot go forward as new notice is required for a Fairness Hearing on the Amended Settlement Agreement; and the court determining that the form of notice of the Fairness Hearing on the Amended Settlement Agreement to be used is that appended to the within order;

IT IS ON THIS 9th DAY OF FEBRUARY, 2018, ORDERED AS FOLLOWS:

1. Rescheduling of Fairness Hearing. The court, finding apparent merit in the Amended Settlement Agreement, reschedules the Fairness Hearing in this matter from February 12, 2018 to March 19, 2018, at which time a Fairness Hearing on the Amended Settlement Agreement shall be conducted by the court (Honorable Thomas C. Miller, J.S.C., P.J.Civ, presiding), commencing at 9:00 a.m.

2. Notice of the Fairness Hearing. The form of notice of the Fairness Hearing on the Amended Settlement Agreement shall be that appended to the within order. The notice shall be published at least 30 days prior to the Fairness Hearing in the Star Ledger and the Courier News, both of which are daily newspapers widely circulated in Hunterdon County, and the Hunterdon County Democrat, a local weekly newspaper widely circulated in Hunterdon County. The notice shall also be mailed at least 30 days prior to the Fairness Hearing by certified mail to all owners of property included in the proposed Compliance Plan, all parties that have indicated to the Township an interest to have properties included in the Compliance Plan (regardless of whether the properties at issue have been included or

excluded from the Compliance Plan), and all other interested parties (whether interested because they have submitted objections to the initial Settlement Agreement, interested because they have indicated an interest to the Township, interested because the Township believes that they are interested, and/or interested by designation by the Supreme Court in Mount Laurel IV, 221 N.J. 1, 23 (2015)).

3. Participation in the Fairness Hearing. Anyone who wishes to object to the settlement on any grounds and wants to be heard by the court at the Fairness Hearing will have to submit their objections in writing to the court, special master Michael P. Bolan, PP, AICP, Kevin Walsh, Esq. (representing Fair Share Housing Center), and Jonathan E. Drill, Esq. (representing the Township of Clinton) at the addresses listed in the notice, and no later than Friday, March 2, 2018, and if they wish to call any witnesses to testify at the Fairness Hearing (lay or expert), they will have to submit a written summary of any lay testimony and a written expert's report to the court, special master, Mr. Walsh, and Mr. Drill no later than Friday, March 2, 2018.

4. FSHC Intervening Defendant. In accordance with paragraph 23 of the Settlement Agreement, FSHC is hereby deemed to have party defendant status in this matter and to have intervened in this matter as a defendant.

5. Extension and Continuation of Temporary Immunity. The temporary immunity previously granted to the municipality and its

Planning Board from any and all exclusionary zoning lawsuits is hereby extended and continued through the date of the Fairness Hearing.

6. Service of Order. A copy of the within order shall be served by counsel for the Township on all persons and/or entities on the municipal service list within five (5) days of the receipt of this order by the counsel for the Township.

/s/ Thomas C. Miller, P.J.Civ.

HON. THOMAS C. MILLER, P.J.Civ.

TOWNSHIP OF CLINTON

NOTICE OF FAIRNESS HEARING ON THE PROPOSED SETTLEMENT OF THE TOWNSHIP'S MOUNT LAUREL AFFORDABLE HOUSING DECLARATORY JUDGMENT ACTION RELATED TO THE TOWNSHIP'S THIRD ROUND OBLIGATION TO PROVIDE THE REALISTIC OPPORTUNITY FOR THE CREATION OF ITS FAIR SHARE OF ITS REGION'S NEED FOR AFFORDABLE HOUSING

PLEASE TAKE NOTICE that a "Fairness" hearing will be held on Tuesday, March 19, 2018, commencing at 9:00 A.M. before the Honorable Thomas C. Miller, J.S.C., (Presiding Judge, Civil Division), Second Floor, Somerset County Courthouse, 20 North Bridge Street, Somerville, New Jersey 08876, to consider whether the terms of an amended settlement agreement between the Township of Clinton (the "Township") and Fair Share Housing Center ("FSHC") dated February 5, 2018 and signed on behalf of the Township on February 7, 2018 (the "amended settlement agreement"), which would settle the Township's Mount Laurel affordable housing declaratory judgment action titled In re Township of Clinton Compliance with Third Round Mount Laurel Affordable Housing Obligation, Docket No. HNT-L-315-15 (the "declaratory judgment action") related to the Township's Third Round obligation to provide the realistic opportunity for the creation of its fair share of the region's need for affordable housing, is fair and reasonable to the region's low and moderate income households and should be approved by the Court in accordance with the principles established 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).

The amended settlement agreement addresses the components of the Township's affordable housing obligations for the period 1999-2025, consisting of: Rehabilitation Obligation of 10 units; Prior Round Obligation of 335 units; and Third Round Prospective Need Obligation (which is deemed to include the Gap Period Present Need Obligation) of 337 units. The amended settlement agreement establishes compliance mechanisms to address the Prior Round Obligation of 335 units, as well as compliance mechanisms to address the Prospective Need Obligation of 337 units. The amended settlement agreement provides that part of the Third Round Prospective Need Obligation will be addressed through a durational adjustment because the Township does not have sufficient capacity for water or sewer to support certain of its affordable housing projects.

The amended settlement agreement contains detailed explanations of the Township's total affordable housing obligations and the compliance mechanisms that will be enacted through the subsequent adoption of (1) an amended Housing Plan Element and Fair Share Plan, including a Spending Plan, and (2) implementing ordinances, to satisfy the Township's obligation to provide the realistic opportunity for the creation of its fair share of its region's need for affordable housing. The amended settlement agreement is available for public inspection and copying at the requestor's expense during regular business hours at the Township Clerk's office located on the second floor of the Clinton Township municipal building, 1225 Route 31 South, Suite 411, Lebanon, New Jersey, 08833.

Anyone may seek to appear at the Fairness hearing on and present their position on the amended settlement agreement to the Court. Anyone who wishes to object to the amended settlement agreement on any grounds and wants to be heard by the court at the Fairness Hearing will have to submit their objections in writing to the court, special master Michael P. Bolan, PP, AICP, Kevin Walsh, Esq. (representing Fair Share Housing Center), and Jonathan E. Drill, Esq. (representing the Township of Clinton) at the addresses listed below, and no later than Friday, March 2, 2018, and if they wish to call any witnesses to testify at the Fairness Hearing (lay or expert), they will have to submit a written summary of any lay testimony and a written expert's report to the court, special master, Mr. Walsh, and Mr. Drill no later than Friday, March 2, 2018.

All written objections, written summaries of lay testimony, and written expert's reports must be mailed to the court (Honorable Thomas C. Miller, J.S.C., P.J.Cv.) at the following address:

Honorable Thomas C. Miller, J.S.C., P.J.Cv.
 Second Floor
 Somerset County Courthouse
 20 North Bridge Street
 Somerville, New Jersey 08876

All written objections, written summaries of lay testimony, and written expert's reports must be mailed or emailed to the following attorneys and to the court's special master at the following addresses:

Jonathan E. Drill, Esq. (attorney for the Township)
 Stickel, Koenig, Sullivan & Drill, LLC
 571 Pompton Avenue
 Cedar Grove, NJ 07009
jdrill@sksdllaw.com

Kevin Walsh, Esq. (attorney for FSHC)
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
kevinwalsh@fairsharehousing.org

Michael P. Bolan, PP, AICP (Court's Special Master)
PO Box 295
Pennington, NJ 08534
michaelbolan@verizon.net

This notice is provided pursuant to the direction of the Court and is intended to inform interested parties, persons and entities of the amended settlement agreement, the Fairness hearing to be conducted on the amended settlement agreement, and inform interested parties, persons and entities that they are able to comment on the amended settlement agreement before the Court determines whether to approve the amended settlement agreement. This notice does not indicate any view of the Court as to the fairness, reasonableness or adequacy of the amended settlement agreement or whether the Court will approve the amended settlement agreement.

By: Jonathan E. Drill, Esq.
Township of Clinton Special Affordable Housing Counsel