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IN RE: TOWNSHIP OF GREENWICH)	SUPERIOR COURT OF NEW JERSEY
COMPLIANCE WITH THIRD ROUND)	LAW DIVISION - WARREN COUNTY
<u>MOUNT LAUREL AFFORDABLE</u>)	DOCKET No. WRN-L-228-15
HOUSING OBLIGATION)	
)	Civil Action
)	
)	<u>Mount Laurel</u>
)	
)	AMENDED ORDER ESTABLISHING
)	NEXT STEPS FOR THIRD ROUND
)	<u>MOUNT LAUREL COMPLIANCE</u>
)	

This matter having been opened to the Court 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), by the joint application of Stickel, Koenig, Sullivan & Drill, LLC (Jonathan E. Drill, Esq., appearing), attorney for Township of Greenwich (the "municipality"), and Joshua D. Bauers, Esq., staff attorney with and on behalf of Fair Share Housing Center ("FSHC"), a public interest organization

representing the housing rights of New Jersey's poor, for the review of a proposed settlement (the "settlement") of the within Mount Laurel declaratory judgment action ¹ at a so-called "fairness" hearing (the "Fairness Hearing"); and the terms of the settlement being set forth in a written agreement entered into by and between the municipality and FSHC dated September 18, 2017, last signed on September 27, 2017 (the "Settlement Agreement"), which Settlement Agreement was subject to the Court's approval following the Fairness Hearing; and the Court having conducting the Fairness Hearing on December 7, 2017 and, at the conclusion of the hearing, having determined that the municipality provided proper notice of the Fairness Hearing and that the Settlement Agreement was fair and reasonable to and adequately protected the interests of the protected class, namely, low and moderate income persons / households; and the Court having entered an order on December 22, 2017 approving the settlement and providing for the next steps in the litigation (the "December 22, 2017 Order"), which December 22, 2017 Order provides that the Township and its Land Use Board must take certain actions within various time periods; and it appearing that the Land Use Board completed all of the actions required of it but that the Township has requested additional time to complete certain of its actions, namely, the adoption of ordinances, in order to give the Township time to attempt to negotiate or

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

otherwise revise its affordable housing compliance plan to move all or a portion of its Third Round affordable housing obligation from one site to another site, including possibly changing the form of affordable housing development from entirely rental to a mix that may include some "for-sale" units and at least 25% "rental" units across the Township's cumulative obligation; and FSHC and the Township having entered into an Amended Settlement Agreement dated July 17, 2018, last signed by the Township on July 19, 2018 (the "Amended Settlement Agreement"), which Amended Settlement Agreement provides an extension of the applicable time periods in order to allow the Township to attempt to negotiate or otherwise revise its affordable housing compliance plan to move all or a portion of its Third Round affordable housing obligation from one site to another site, as described above and as set forth in the Amended Settlement Agreement; and Jonathan E. Drill, Esq. (attorney for the Township), Joshua Bauer (attorney for FSHC) and Douglas Steinhardt, Esq. (attorney for the possible developer(s) of the new site) having appeared for a Case Management Conference on July 30, 2018 to discuss all of the above; and the Court, having from counsel and conferring with special master Frank Banisch, PP, AICP, finding good cause to exist to warrant the extension finding that the interest of justice warrants amending the December 22, 2017 Order relating to the time within which the Township must adopt ordinances;

IT IS ON THIS 9th DAY OF AUGUST, 2018, ORDERED AND ADJUDGED AS FOLLOWS:

1. Paragraph #1 of the December 22, 2018 Order Remains Unchanged. Paragraph #1 of the December 22, 2018 Order remains unchanged.

2. Paragraph #2 of the December 22, 2018 Order Remains Unchanged. Paragraph #2 of the December 22, 2018 Order remains unchanged (and it appears that the Land Use Board has adopted and the Mayor and Council have endorsed a 2018 Housing Element and Fair Share Plan with revisions required by or resulting from the Settlement Agreement).

3. Paragraph #3 of the December 22, 2017 Order Amended. Paragraph #3 of the December 22, 2017 Order is amended to extend the date within which the Township must adopt ordinance as follows:

a. In accordance with paragraph 1 of the Amended Settlement Agreement (which amends paragraph 15 of the Settlement Agreement), the Township shall introduce and adopt by November 15, 2018 ordinance(s) to implement the amended Housing Plan Element of the Master Plan and Fair Share Plan and the terms of the Settlement Agreement.

b. In accordance with paragraph 2 of the Amended Settlement Agreement, if the Township and FSHC agree to revise the affordable housing compliance plan set forth in paragraph 7 of the Settlement Agreement to move all or a portion of its Third Round

affordable housing obligation to another site and/or possibly change the form of affordable housing development from entirely rental for the Third Round to a mix that may include some for-sale units and at least 25% rental units across the Township's cumulative obligation, which will also require adoption of an amended 2018 Housing Element and Fair Share Plan, the ultimate ordinances that are adopted as well as the amended Housing Element and Fair Share Plan shall be subject to approval by the Court following a combined fairness and compliance hearing in accordance with Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996), as may be further described in a further amendment to the Settlement Agreement.

c. In accordance with paragraph 2 of the Amended Settlement Agreement, if there is not a further amendment to the underlying Settlement Agreement reached and executed by all parties by October 15, 2018, then the Township shall proceed with the adoption of ordinances in conformance with the underlying Settlement Agreement no later than November 15, 2018.

4. Paragraph #4 of the December 22, 2018 Order Remains Unchanged. Paragraph #4 of the December 22, 2018 Order remains unchanged.

5. Scheduling of Compliance Hearing. The Court will schedule a Compliance Hearing in this matter to review and approve the

Township's Third Round Housing Plan Element and Fair Share Plan, including the Spending Plan, as well as all implementing ordinances, after consulting with the parties and the master as to availability for appearances.

6. 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 Compliance Hearing.

7. 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.Cv.

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