

settlement (the "proposed settlement") of the within Mount Laurel declaratory judgment action ¹ in accordance with 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, 289 N.J. Super. 311 (App. Div. 1996); and the terms of the proposed settlement being set forth in a written agreement entered into by and between the Township and FSHC dated September 18, 2017, last signed on September 27, 2017 (the "initial settlement agreement"), and a corrected third amendment to the initial settlement agreement dated January 22, 2019, last signed on January 25, 2019 (the "corrected third amendment"); and paragraph 7 of the corrected third amendment to the initial settlement agreement providing that the proposed settlement as well as the ultimate ordinances that are adopted pursuant to the proposed settlement and the ultimate 2019 Housing Element and Fair Share Plan (the "2019 HE&FSP") that is adopted pursuant to the proposed settlement shall be subject to approval by the Court following a combined fairness and compliance hearing; and the Court finding apparent merit in the proposed settlement to warrant scheduling a fairness and compliance hearing in accordance with Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359, 374 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986), and East/West Venture v. Bor. of Fort Lee, 289

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

N.J. Super. 311 (App. Div. 1996); and the court approving as the form of notice of the fairness and compliance hearing to be used in this matter the notice appended to the within order and further ordering that the notice be given in accordance with ordering paragraph 2 below; and for good cause otherwise shown;

IT IS ON THIS 8th DAY OF MAY, 2019, ORDERED AS FOLLOWS:

1. Scheduling of Fairness and Compliance Hearing. Having found apparent merit in the proposed settlement, a fairness and compliance hearing on the proposed settlement is hereby scheduled to be conducted by the Court (Honorable Thomas C. Miller, P.J.Civ, presiding) on Monday, June 18, 2019, commencing at 9:00 a.m. or as soon thereafter as the Court may direct.

2. Notice of the Fairness and Compliance Hearing. Notice of the fairness and compliance hearing shall be published at least 30 days prior to the fairness and compliance hearing in the Star Ledger and the Express Times, both of which are newspapers widely circulated in Warren County. The notice shall also be mailed at least 30 days prior to the fairness and compliance hearing by certified mail to: (a) the owners of all properties included as compliance sites for construction of new affordable housing in the 2019 HE&FSP; (b) the two developers of 100% affordable housing developments on the properties included as compliance sites for construction of new affordable housing in the 2019 HE&FSP; and (c) all other parties interested by designation by the Supreme Court in Mount Laurel IV, 221 N.J. 1, 23 (2015). The notice of the fairness and compliance

hearing to be used in this matter is the form of notice appended to the within order.

3. Participation in the Fairness and Compliance Hearing.

Anyone who wishes to object to the proposed settlement on any grounds and wants to be heard by the court at the fairness and compliance hearing will have to submit their objections in writing to the court, special master Frank Banisch, PP, AICP, Adam Gordon, Esq.

(representing Fair Share Housing Center), and Jonathan E. Drill, Esq. (representing the Township) at the addresses listed in the notice, no later than Wednesday, May 29, 2019 (which is at 20 days prior to the June 18, 2019 hearing date), and if they wish to call any witnesses to testify at the fairness and compliance 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. Gordon, and Mr. Drill no later than Wednesday, May 29, 2019 (which is 20 days prior to the June 18, 2019 hearing date).

4. FSHC Intervening Defendant. In accordance with paragraph 20 of the initial 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 Township and the Greenwich Township Land Use Board from any and all exclusionary zoning lawsuits is hereby extended and continued through the date of

the order entered by the Court after the completion of the fairness and compliance 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.Cv.

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

TOWNSHIP OF GREENWICH

NOTICE OF FAIRNESS HEARING ON A PROPOSED SETTLEMENT OF THE
TOWNSHIP'S MOUNT LAUREL AFFORDABLE HOUSING DECLARATORY JUDGMENT
ACTION AND NOTICE OF COMPLIANCE HEARING ON THE TOWNSHIP'S
COMPLIANCE WITH ITS MOUNT LAUREL AFFORDABLE HOUSING OBLIGATIONS

PLEASE TAKE NOTICE that a combined fairness and compliance hearing will be conducted by the Superior Court of New Jersey (the Hon. Thomas C. Miller, P.J.Cv., presiding) on Tuesday, June 18, 2019, commencing at 9:00 A.M. or as soon thereafter as the Court may direct, Second Floor, Somerset County Courthouse, 20 North Bridge Street, Somerville, New Jersey 08876, for the following purposes:

1. The Court will determine whether the terms of a proposed settlement (the "proposed settlement") between the Township of Greenwich (the "Township") and Fair Share Housing Center ("FSHC") set forth in a written agreement entered into by and between the Township and FSHC dated September 18, 2017, last signed on September 27, 2017 (the "initial settlement agreement"), and a corrected third amendment to the settlement agreement dated January 22, 2019, last signed on January 25, 2019 (the "corrected third amendment"), which will settle the Township's Mount Laurel affordable housing declaratory judgment action titled In re Township of Greenwich Compliance with Third Round Mount Laurel Affordable Housing Obligation, Docket No. WRN-L-228-15 (the "declaratory judgment action") related to the Township's Mount Laurel obligations, 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 declaratory judgment action was brought pursuant to the New Jersey Supreme Court's landmark case known as Mount Laurel IV, which is reported at 221 N.J. 1 (2015).

2. The Court will determine whether the 2019 Housing Element and Fair Share Plan (the "2019 HE&FSP") adopted by the Greenwich Township Land Use Board and endorsed by the Township, as well as the ordinances and other compliance documents adopted by the Township to implement the proposed settlement and the 2019 HE&FSP comply with the Township's Mount Laurel affordable housing obligations, including but not limited to providing the realistic opportunity for the creation of the Township's fair share of the region's need for affordable housing. If the Court determines that the Township has complied with its Mount Laurel affordable housing obligations it will enter a Judgment of Compliance and Repose, declaring the Township to be in compliance and barring any and all exclusionary claims for 10 years.

The proposed settlement and the 2019 HE&FSP address the components of the Township's affordable housing obligations for the period 1999-2025, consisting of Rehabilitation Obligation of 8 units, Prior Round Obligation of 41 units, and Third Round Prospective Need Obligation (which is deemed to include the Gap Period Present Need Obligation) of 204 units. The proposed settlement and the 2019 HE&FSP also address the compliance mechanisms through which the Township will satisfy all of its affordable housing obligations.

The initial settlement agreement and the corrected third amendment to the initial settlement agreement contain detailed explanations of the Township's affordable housing obligations and the compliance mechanisms that have since been adopted and will be reviewed by the Court for compliance with the Township's Mount Laurel affordable housing obligations.

The initial settlement agreement, the corrected third amendment to the initial settlement agreement, as well as all settlement documents and all compliance documents, including but not limited to the 2019 HE&FSP, relevant Greenwich Township Land Use Board resolutions, relevant Township resolutions, and implementing ordinances, are available for public inspection and copying at the requestor's expense during regular business hours at the Township Clerk's office located in the Township municipal building, 321 Greenwich Street, Stewartsville, New Jersey, 08886. All settlement documents as well as all compliance documents are also available on the Township website under the "Affordable Housing Docs" tab: <http://www.greenwichtownship.org/affordable-housing-documents/>

Anyone may seek to appear at the fairness and compliance hearing and present their position on the settlement agreement to the Court but anyone who wishes to object to the settlement agreement on any grounds and wants to be heard by the Court at the fairness and compliance hearing will have to submit their objections in writing to the Court, special master Frank Banisch, PP, AICP, Adam Gordon, Esq. (representing Fair Share Housing Center), and Jonathan E. Drill, Esq. (representing the Township) at the addresses listed below, and no later than Wednesday, May 29, 2019 (which is at 20 days prior to the June 18, 2019 hearing date), and if they wish to call any witnesses to testify at the fairness and compliance 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. Gordon, and Mr. Drill no later than Wednesday, May 29, 2019 (which is 20 days prior to the June 18, 2019 hearing date).

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

Honorable Thomas C. Miller, 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

Adam Gordon, Esq. (attorney for FSHC)
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
adamgordon@fairsharehousing.org

Frank Banisch, PP, AICP (Court's Special Master)
Banisch Associates, Inc.
111 Main Street
Flemington, NJ 08822
frankbanisch@banisch.com

This notice is provided pursuant to the direction of the Court and is intended to inform interested parties, persons and entities of the proposed settlement agreement, the settlement and compliance documents, the fairness and compliance hearing to be conducted on the proposed settlement and the Township's compliance with its Mount Laurel affordable housing obligations, and inform interested parties, persons and entities that they are able to comment on the proposed settlement and the Township's compliance with its Mount Laurel affordable housing obligations before the Court determines whether to approve the proposed settlement and enter a Judgment of Compliance and Repose, finding that the Township has complied with its Mount Laurel affordable housing obligations.

This notice does not indicate any view of the Court as to the fairness or reasonableness of the proposed settlement or whether the Court will approve the proposed settlement or grant the Township a Judgment of Compliance and Repose.

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