

LEGAL NOTICE – TOWNSHIP OF CHATHAM

Notice of Declaratory Action and Motion before the Superior Court of New Jersey for Temporary Immunity from Mount Laurel Lawsuits

NOTICE is hereby given that, on July 7, 2015, the Township of Chatham filed a Declaratory Judgment Complaint in Morris County Superior Court, Law Division, Docket No. MRS-L-001659-15, in response to the Supreme Court’s recent decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221N.J. 1 (2015) (hereinafter “In re COAH”). Through its Declaratory Complaint, the Township is asking the Court to:

1. Enter an Order providing the Township of Chatham to the opportunity to submit or supplement a Housing Element and Fair Share Plan with the Court, to comply with the criteria and guidelines developed by the Court;
2. Enter an Order granting the Township and its Planning Board temporary immunity from Mount Laurel lawsuits commencing in accordance with In re: COAH;
3. Enter an Order extending immunity provided that the Township adopts, endorses, and files a Round 3 Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”) in accordance with the orders of the Court;
4. To review and approve the Township’s Fair Share Plan, as may be supplemented and amended to comply with the decisions of the Court;
5. To enter subsequent orders periodically extending immunity until such time as the Court enters a Judgment of Compliance and Repose formally approving the Township’s Fair Share Plan;
6. To approve the Township’s Spending Plan in its current form and as may be revised;
7. To determine that the Township has committed to expend trust fund monies within four years of receipt in accordance with N.J.S.A. 52:27D-329.2 and 329.3; and
8. To grant such other relief as the Court deems just and equitable.

A “Mount Laurel lawsuit” is brought pursuant to supreme Court opinions commonly referred to as “Mount Laurel I” and “Mount Laurel II” claiming that a municipality has used its zoning powers to exclude low and moderate income households in violation of the requirements of these landmark decisions, the New Jersey Fair Housing Act (N.J.S.A.52:27D-301 et seq.) and other applicable laws. A “temporary immunity” order protects a municipality and its planning board from Mount Laurel lawsuits. A Judgment of Compliance and Repose is an order formally approving a municipality’s Housing Element and Fair Share Plan which provides the municipality ten years of protection from Mount Laurel suits. Any response to the Township’s Declaratory Action must be filed in accordance with the Rules of Court. Any interested party seeking to participate in this action should consider consulting legal counsel and should be guided by these Rules.

NOTICE is further given that the Township also filed a Motion for Temporary Immunity and shall move before the designated Mount Laurel Judge for the County on August 7, 2015 at 9:00 a.m., or such other date and/or time to be determined by the Court, for an Order (1) granting Temporary Immunity from Mount Laurel lawsuits; and (2) providing the Township the opportunity to file a Fair Share Plan with the Court, commencing from the date the Court determines the criteria and guidelines with which the

Township must comply; or, if the Court declines to commence the start date as the date the Court makes this determination, for five months from the date the Court deems appropriate.

Please be advised that, due to the anticipated number of similar actions to be filed in the wake of In re COAH, it is possible, if not likely, that the date and/or time of the hearing on the Township's Motion will change. Scheduling information can be obtained from the Somerset County Court Clerk, or through any of the attorneys referenced below.

Any opposition to the Township's Motion for Temporary Immunity must be submitted in accordance with Rules of Court. More information can be obtained regarding this matter from the Judge presiding over this matter, or from the Township or from counsel as follows:

Honorable Stephen C. Hansbury, P.J.Ch.
Superior Court of New Jersey
Morris County Court House
Washington & Court Streets
PO Box 910
Morristown, NJ 07963-0910

Gregory LaConte, Clerk
Township of Chatham
58 Meyersville Road
Chatham Township, NJ 07928

Steven A. Kunzman, Esq.
DiFrancesco Bateman Law Firm
15 Mountain Boulevard
Warren, NJ 07059

A copy of the Township's Declaratory Action and Motion for Temporary Immunity with supporting documentation are available for public inspection at the office of the Township Clerk, Township of Chatham, 58 Meyersville Road, Chatham Township, NJ 07928 during regular business hours.