

SUPERIOR COURT OF NEW JERSEY

Chambers of
Stephan C. Hansbury, Judge
Chancery Division, General Equity Part
Morris-Sussex Vicinage



Courthouse
P.O. Box 910
Morristown, N.J. 07963-0910
(973) 656-4039

February 10, 2016

Steven Kunzman, Esq.
DiFrancesco, Bateman, Kunzman,
Davis, Lehrer & Flaum, P.C.
15 Mountain Blvd.
Warren, NJ 07059

Re: **IMO APPLICATION OF TOWNSHIP OF CHATHAM**
Docket No. MRS-L-1659-15
IMO APPLICATION OF TOWNSHIP OF HARDING
Docket No. MRS-L-1672-15

Dear Mr. Kunzman:

Nearly one year ago, March 15, 2015, the Supreme Court issued its decision In re: Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) sometimes called "Mt. Laurel IV." At present, the Fair Share Housing Center has presented its expert report by David N. Kinsey, Ph.D. and most of the municipalities have adopted the report of Econsults Solutions, Inc. Dr. Kinsey asserts significantly higher statewide need than Econsults Solutions, Inc. There is a debate as to the "gap" numbers and 1,000 unit cap as well as other issues. In other Vicinages, the issue of the method of calculation is moving toward a trial as the only way to resolve these disputes. How long the process will take in 15 Vicinages I, at least, cannot predict. Yet, there are no shovels in the ground.

The Supreme Court clearly hoped for "shovels in the ground." At this stage of the litigation, it is clear that there is a range of obligation for each municipality between the two experts. It is also clear that the lower of the two numbers (before any appropriate adjustments) must at least be the obligation fixed by the Court. Finally, resolution of the amount of obligation will be some time from now.

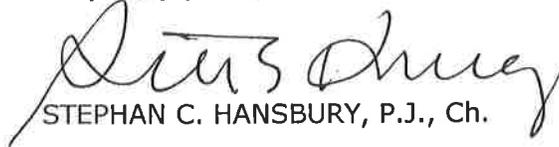
I am, therefore, ordering each of the municipalities in this order to pick the number it deems appropriate to submit its Housing Element and Fair Share Plan (HEFSP) by April 4, 2016 as the order of November 2, 2015 contemplated. The expert who determined that number should be identified. Some municipalities have already filed their plans and seek a compliance hearing. Clearly, the number chosen by each municipality may not be the number to be fixed by the Court after an appropriate trial. At a point in the future, that will be done. That may, of course increase the obligation and require supplements to the HEFSP. It is the hope that this procedure will result in construction of units in the near future.

The HEFSP shall be submitted with a cover letter on notice to all interested parties. If mediation would be helpful, please promptly advise the Court. The Court will then send a scheduling order and set a hearing date.

Enclosed please find my order consistent with this letter.

Immunity will continue until the motion is decided if the Petitioner files the appropriate document in a timely fashion.

Very truly yours,



STEPHAN C. HANSBURY, P.J., Ch.

SCH/fg
Enclosure

cc: Kevin D. Walsh, Esq.
Philip B. Caton, P.P. FAICP
Elizabeth K. McManus, LEED, AP, PP AICP
Michael P. Bolan, AICP/PP
David J. Banisch, PP/AICP

FILED

FEB 10 2016

STEWART C. HANSBURY, J.S.C.

PREPARED BY THE COURT:

IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF CHATHAM FOR A
DETERMINATION OF MOUNT
LAUREL COMPLIANCE,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MORRIS COUNTY
Docket No. MRS-L-1659-15

Civil Action

Petitioner.

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IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP
OF HARDING FOR A
DETERMINATION OF MOUNT
LAUREL COMPLIANCE,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MORRIS COUNTY
Docket No. MRS-L-1672-15

Civil Action

Petitioner.
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ORDER

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THIS MATTER, having come before the Court *sua sponte*, the Court having concluded that the municipalities included in this Order are in the process of developing Housing Element and Fair Share Plans; and for good cause to establish an initial obligation as noted in the letter accompanying this Order;

IT IS on this 10th day of February, 2016;

ORDERED, as follows:

1. Each municipality included in this order shall submit to the Court its Housing Element and Fair Share Plan by April 4, 2016. Each municipality shall select the amount for its obligation based upon the expert it chooses. The submission shall be by letter on notice to all interested parties. The Court will then enter a scheduling order.

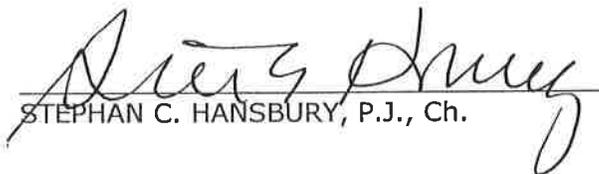
2. The Court shall review each plan to determine if continuing immunity is warranted and, if so, whether it would be until further order of the Court after judicial determination of the total housing obligation or full ten-year immunity.

3. A municipality making the appropriate submission in timely fashion shall be granted continuing immunity until a decision as to the motion is made.

4. Any municipality which wishes mediation or the appointment of a Master shall promptly advise the Court.

5. Any party wishing a case management conference shall communicate in writing with the Court with its reasons stated.

The Court directs that a copy of the within order be served on all parties in this action by attorney(s) for Petitioner, within ten (10) days of the date hereof.


STEPHAN C. HANSBURY, P.J., Ch.