

(Revised August 3, 2020)

**NOTICE OF AMENDED FAIRNESS AND PRELIMINARY COMPLIANCE
HEARING FOR THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, FOR
THE TOWNSHIP OF CHATHAM'S HOUSING ELEMENT AND FAIR SHARE
COMPLIANCE PLAN FOR THE AFFORDABLE HOUSING PERIOD 1987-2025
AND TO APPROVE SETTLEMENT OF MOUNT LAUREL LITIGATION**

Docket No. MRS-L-1659-15

PLEASE TAKE NOTICE that on September 17, 2020 beginning at 1:30 P.M., an "Amended Fairness and Preliminary Compliance Hearing" ("Hearing") will be conducted before the Honorable Michael C. Gaus, J.S.C., at the Superior Court of New Jersey, Sussex County Judicial Center, 43-47 High Street, Newton, New Jersey 07860.

Because of the ongoing COVID-19 public health crisis, it is anticipated that the Hearing may take place in person, via a virtual video-conferencing platform or some combination thereof depending upon the then state of the continuing public health emergency. Currently, the number of participants anticipated to be present at the Hearing at the Sussex County Judicial Center will be limited to the Court Appointed Special Master, attorneys for the Township of Chatham, the Fair Share Housing Center, Inc., parties granted intervenor status and related witnesses.

It is anticipated that all other interested parties, including the public, will participate through a video-conferencing platform, as described above, or other means and methods to be determined by the Court. Once available,

information regarding the means to listen, observe and/or participate in the Hearing may be obtained from the Township Website (www.chathamtownship-nj.gov) or by contacting Albert E. Cruz, Esq., attorney for the Township of Chatham:

Albert E. Cruz, Esq.
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Davis, Lehrer & Flaum, P.C.
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361 Route 31
Building E, Suite 1301
Flemington, New Jersey 08822
Telephone: (908) 757-7800
Facsimile: (908) 757-8039
acruz@newjerseylaw.net

If the Hearing is not completed on September 17, 2020, it will be continued to September 24, 2020 beginning at 9:00 A.M.

The Court will determine whether the terms of the July 23, 2020 Amended Settlement Agreement between the Township of Chatham ("Township") and the Fair Share Housing Center, Inc. ("FSHC") are fair and reasonable to low-and-moderate income households and create a realistic opportunity for satisfaction of the Township's affordable housing obligations. The Court will also consider whether the Township's affordable housing plan as set forth in the July 23, 2020 Amended Settlement Agreement, incorporating the December 13, 2018 Settlement Agreement and January 10, 2019 First Amendment, which the Township is implementing through the adoption of the 2020 Housing Element and Fair Share Plan, subject to the Court's approval, satisfied

the Township's obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Third Round "fair share" of the regional need for housing affordable to low and moderate income households pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) and the applicable procedural and substantive Regulations of the Council on Affordable Housing ("COAH") and the Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015), and other applicable laws.

The affordable housing plan set forth in the July 23, 2020 Amended Settlement Agreement, incorporating the December 13, 2018 Settlement Agreement and January 10, 2019 First Amendment, addresses the existing components of the Township's affordable housing obligation of the period 1987-2025. These include a Prior Round (1987-1999) obligation of 83 units, a Present Need (i.e. Rehabilitation) obligation of 63 units adjusted to 6 units as determined by a structural conditions survey, and a Prospective Need for Third Round (1999-2025) obligation of 387 units adjusted to a Realistic Development Potential of 200 units. The July 23, 2020 Amended Settlement Agreement provides a detailed list of the Township's total affordable housing obligations and all compliance mechanisms and demonstrates how

the Township will comply with those affordable housing obligations.

The July 23, 2020 Amended Settlement Agreement is electronically accessible for inspection from the Township Website (www.chathamtownship-nj.gov) because the Township municipal building is closed to the public as a result of the on-going COVID-19 public health crisis. To the extent that the Township municipal building should subsequently re-open to the public, copies of the July 23, 2020 Amended Settlement Agreement shall, at that time, be made available for public inspection and/or photocopying (at the requestor's expense) during normal business hours at the Township Clerk's office located at 58 Meyersville Road, Chatham, New Jersey 07928. Copies of the July 23, 2020 Amended Settlement Agreement may also be obtained by contacting Albert E. Cruz, Esq., attorney for the Township of Chatham:

Albert E. Cruz, Esq.
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On the date of the Hearing, the Court will conduct an Amended Fairness and Preliminary Compliance Hearing to determine

whether the July 23, 2020 Amended Settlement Agreement and the Township's affordable housing plan set forth therein are fair to low-and-moderate income households and create a realistic opportunity for satisfaction of the Township's affordable housing obligations. The Township seeks an Order formally approving the July 23, 2020 Amended Settlement Agreement, subject to appropriate conditions, if any that may be imposed by the Court, which will, at a Final Compliance Hearing to be scheduled, entitle the Township to protection from any Mount Laurel builder's remedy lawsuits for a period of time to be determined by the Court.

Any interested party that seeks to appear to be heard at the Hearing shall have the opportunity to present any position on the July 23, 2020 Amended Settlement Agreement and the Township's plan. Written objections or comments by any interested party, including any supporting documentation, proposed exhibits, and/or expert reports intended to be introduced at the Fairness and Preliminary Compliance Hearing, must be filed with the Court no later than September 3, 2020 at the following address: Honorable Michael C. Gaus, J.S.C., at the Superior Court of New Jersey, Sussex County Judicial Center, 43-47 High Street, Newton, New Jersey 07860 with duplicate copies of any written objections or comments and any supporting

documentation to be forwarded by regular mail and electronic mail to the following persons:

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This Notice is provided pursuant to the July 28, 2020 Order of the Court and is intended to inform interested parties of the July 23, 2020 Amended Settlement Agreement, the Township's plan regarding affordable housing and to inform such interested

parties that they are able to comment on the July 23, 2020 Amended Settlement Agreement before the Court reviews and evaluates whether to approve the July 23, 2020 Amended Settlement Agreement and the Township's plan. This Notice does not indicate any view by the Court as to the fairness of the July 23, 2020 Amended Settlement Agreement, the adequacy of the Township's plan regarding affordable housing or whether the Court will approve the July 23, 2020 Amended Settlement Agreement.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.

By: _____
Albert E. Cruz, Esq.
Attorney for the Township of Chatham

Dated: August 13, 2020