

**NOTICE OF FAIRNESS HEARING ON HOUSING FOR THE BOROUGH
OF RIVER EDGE, COUNTY OF BERGEN ("BOROUGH"), FOR
APPROVAL OF A SETTLEMENT OF MOUNT LAUREL LITIGATION**

Docket No. BER-L-6292-15

PLEASE TAKE NOTICE that on September 6, 2019 beginning at 11:00 A.M., there will be a Fairness Hearing ("Hearing") before the Honorable Gregg A. Padovano, J.S.C., at Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey 07601 in Room 335.

The purpose of the hearing is for the Court to consider two issues: (a) whether the proposed Settlement Agreement between the Borough of River Edge and Fair Share Housing Center ("FSHC") in the Mount Laurel Declaratory Judgement Action entitled In the Matter of the Application of the Borough of River Edge, County of Bergen, Docket No. BER-L-6292-15 (the "Settlement Agreement") is fair and reasonable to the region's low and moderate income households according to the principles set forth 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), thereby entitling the parties to this settlement to judicial approval of said Settlement Agreement, and (b) whether the establishment of the Borough's fair share obligations and the Borough's preliminary compliance efforts (reflected in the terms of the Settlement Agreement and to be reflected in a future Housing Element and Fair Share Plan for which it is anticipated that the Borough's Land Use Board and Mayor and Council will review and take future action, pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55 D-1, et seq.) will satisfy the Borough'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 income and moderate income households pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations of the New Jersey Council on Affordable Housing ("COAH"), the New Jersey Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) and other applicable laws.

The Borough's preliminary compliance efforts, as reflected in the terms of the Borough's Settlement Agreement with FSHC, fully address the existing components of the Township's affordable housing obligations for the period 1987-2025. These include the Prior Round (1987-1999) obligation of 73 units, a present need obligation of 32 units, and a Third Round (1999-2025) obligation of 197 units adjusted to a 0 unit realistic development potential and a 197 unit unmet need from the Third Round. The proposed terms of the Settlement Agreement provide a detailed list of the Borough's total affordable housing obligations and compliance mechanisms that demonstrate the Borough's compliance with those affordable housing obligations. The executed Settlement Agreement is available for public inspection and/or photocopying (at requestor's expense) between the hours of 8:00 A.M. to 4:00 P.M. at the Borough Clerk's office located at 705 Kinderkamack Road, River Edge, New Jersey 07661, and on the Borough's website at <https://www.riveredgenj.org/>

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreement is fair to low and moderate households pursuant to the Morris County and East/West Venture cases noted above and creates a realistic opportunity for satisfaction of the Borough's affordable housing obligations pursuant to 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 COAH and the Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) to satisfy the Borough's affordable housing responsibilities for the period 1987-2025.

Any interested party that seeks to appear and be heard at the September 6, 2019 Hearing on the Settlement Agreement may have the opportunity to be heard. Any objection must fully comply with N.J.A.C 5:91-4.1 and 4.2, which provide minimum standards to which objections must comply. Such objections or comments by any interested person must be filed, together with copies of any supporting affidavits or other documents, with the Court at the below address on or before August 23, 2019 with, duplicate copies being forwarded by mail and email to the attention of the following:

Honorable Gregg A. Padovano, J.S.C.
Superior Court of New Jersey
Bergen County Justice Center
10 Main Street
Hackensack, NJ 07601

Joshua D. Bauers, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
joshbauers@fairsharehousing.org

Frank Banisch, President
Banish Associates, Inc.
111 Main Street
Flemington, N.J. 08822

Anthony R. Suarez, Esq.
Werner Suarez
2 University Plaza, Suite
230
Hackensack, N.J. 07601

Thomas Behrens, Jr., PP,
AICP
Burgis Associates, Inc.
25 Westwood Avenue
Westwood, N.J. 07675

This Notice is provided by direction of the Court and is intended to inform interested parties of (a) the existence of the Settlement Agreement, which may ultimately lead to a Judgement of Compliance and Repose; and (b) the Borough's preliminary compliance measures as reflected in the terms of the Settlement Agreement, and inform such parties that they are able to comment on said Settlement Agreement before the Court reviews and evaluates whether to approve the Settlement Agreement. This Notice does not indicate any views by the Court as to the fairness or the adequacy of the Borough's Settlement Agreement with FSHC under the *Mount Laurel Doctrine* and governing law.

