

**NOTICE OF COMPLIANCE HEARING FOR THE BOROUGH OF SOUTH
PLAINFIELD, COUNTY OF MIDDLESEX (“BOROUGH”), FOR THE BOROUGH’S
HOUSING ELEMENT AND FAIR SHARE COMPLIANCE PLAN FOR THE
AFFORDABLE HOUSING PERIOD 1987-2025**

Docket No. MID-L-3994-15

PLEASE TAKE NOTICE that on Monday, April 3, 2017, beginning at 2:30 P.M., there will be a Fairness Hearing (the “Hearing”) before the Honorable Arnold A. Natali, Jr., J.S.C. at the Middlesex County Superior Court Courthouse, Fourth Floor, 56 Paterson Street, New Brunswick, NJ 08903. The purpose of the Hearing is two-fold. First, the Court will determine whether the terms of a proposed Settlement Agreement (the “Settlement Agreement”) between the Borough and Interested Parties, Fair Share Housing Center (“FSHC”), Colonial Oaks, LLC, (“Colonial Oaks”), and M&M Realty Partners at South Plainfield, LLC (“M&M”) is fair and reasonable to the low income and moderate income households. A related matter for the Hearing is for the Court to consider whether the summary of the Borough’s proposed updated Housing Element and Fair Share Plan (hereinafter the “Affordable Housing Plan”) (for which it is anticipated that the Borough Planning Board and Borough Council will review and accept prior to the hearing), 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 proposed Affordable Housing Plan is intended to fully address the existing components of the Borough’s affordable housing obligations for the period 1987-2025. These include the Prior Round (1987-1999), new construction obligation of 342 units, a rehabilitation obligation of 48 units and a Third Round (1999-2025) and new construction obligation of 538 units, which is subject to possible future modification. The proposed Affordable Housing Plan provides a detailed list of the Borough’s total affordable housing obligation, compliance mechanisms that demonstrate the Borough’s compliance with those affordable housing obligations, which includes the proposed rezoning of certain properties. The Summary of the Borough’s Proposed Affordable Housing Compliance Plan will be available for public inspection and/or photocopying (at requestor’s expense) during normal business hours at the Borough Clerk’s Office, 2480 Plainfield Ave. South Plainfield, N.J. 07080. The Settlement Agreement will be available once it is finalized.

On the date of the Hearing, the Court will conduct a joint Fairness and Compliance Hearing to determine whether the Settlement Agreement and Affordable Housing Plan is fair to low and moderate income households and creates a realistic opportunity for satisfaction of the Borough’s affordable housing obligations 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 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.

The Borough seeks a Judgment of Compliance and Repose formally approving the Affordable Housing Plan, subject to appropriate conditions, if any, that may be imposed by the Court, which Judgment of Compliance will entitle the Borough to protection from any Mount Laurel builder's remedy lawsuits for a period of time to be determined by the Court.

Any interested third party that seeks to appear and be heard at the April 3, 2017 Hearing on the proposed Settlement Agreement or the Borough's proposed Affordable Housing Plan shall have the opportunity to present any position of either the Settlement Agreement or Borough Affordable Housing Plan. Objections or comments by any interested person must be filed with the Court at the above address on or before March 31, 2017 with duplicate copies being forwarded by mail and e-mail to the attention of the following:

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This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the proposed Settlement Agreement and the Borough's proposed Affordable Housing Plan and inform such parties that they are able to comment on said Settlement Agreement and Housing Plan before the Court reviews and evaluates whether to approve the Settlement Agreement and Housing Plan. This Notice does not indicate any view by the Court as to the fairness of the Settlement Agreement or the adequacy of the Borough's Affordable Housing Plan.