

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

Docket No. MID-L-3994-15

PLEASE TAKE NOTICE that on Friday, September 8, 2017, beginning at 10:00 A.M., there will be a Final Compliance Hearing ("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 for the Court to review and approve the Borough's updated Housing Element and Fair Share Plan, including implementing ordinances (hereinafter the "Affordable Housing Plan"), as meeting 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 Court will consider whether the Affordable Housing Plan, including the necessary implementing ordinances fully addresses the existing components of the Borough's affordable housing obligations for the period 1987-2025 as approved by the Court on May 9, 2017. The obligations 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 and compliance mechanisms that demonstrate the Borough's compliance with those affordable housing obligations. The draft of the Borough's Affordable Housing Plan will be available for public inspection and/or photocopying (at requestor's expense) between the hours of 9:00 A.M. to 4:00 P.M. at the Borough Clerk's office located at 2480 Plainfield Avenue, South Plainfield, NJ 07080.

On the date of the Hearing, the Court will conduct a Compliance Hearing to determine whether the Affordable Housing Plan adequately provides 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 September 8, 2017 Hearing on the Borough's proposed Affordable Housing Plan shall have the opportunity to present any position on the Borough Affordable Housing Plan. Objections or comments by any interested person must be filed with the Court at the above address on or before August 29, 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 Borough's proposed Affordable Housing Plan and inform such parties that they are able to comment on said Affordable Housing Plan before the Court reviews and evaluates whether to approve the Affordable Housing Plan. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Borough's Affordable Housing Plan.