

BOROUGH OF EAST RUTHERFORD

COUNTY OF BERGEN

**NOTICE OF FAIRNESS HEARING FOR THE BOROUGH OF EAST RUTHERFORD,
COUNTY OF BERGEN (THE “BOROUGH”) REGARDING A SETTLEMENT
AGREEMENT RELATED TO THE BOROUGH’S OBLIGATION TO PROVIDE
AFFORDABLE HOUSING TO LOW-AND MODERATE-INCOME HOUSEHOLDS**

DOCKET NO. BER-L-5925-15

PLEASE TAKE NOTICE that on January 17, 2019, beginning at 8:30 a.m., there will be a Fairness Hearing (the “Hearing”) before the Honorable Christine A. Farrington, J.S.C., at the Bergen County Justice Center, 10 Main Street, Room 322, Hackensack, New Jersey 07601.

The purpose of the Hearing is for the Court to consider whether the terms of the settlement agreement (the “Settlement Agreement”) between the Borough and the Fair Share Housing Center (the “FSHC”) will meet the Borough’s obligation to provide a realistic opportunity to satisfy the Borough’s rehabilitation, Prior Round and Third Round “Fair Share” of the regional need for affordable to low-income and moderate-income households, pursuant to the Mt. Laurel decisions and their progeny, 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 (the “COAH”), the New Jersey Supreme Court’s March 10, 2015 decision in the matter of In Re: N.J.A.C. 5:96 and N.J.A.C. 5:97, 221 N.J. 1 (2015), and other applicable laws.

The Settlement Agreement fully addresses the existing components of the Borough’s Affordable Housing obligation for the period of 1987 through 2025, including the Borough’s present-need obligation (or rehabilitation obligation) of six (6) housing units, its prior round obligation of ninety (90) units, and its third-round prospective need obligation of six hundred fifty six (656) units. The proposed Settlement Agreement provides a detailed list of the Borough’s total affordable housing obligation, and compliance mechanisms demonstrating the Borough’s compliance with those Affordable Housing obligations and incorporates a vacant land adjustment under the provisions of N.J.A.C. 5:93-4.2. The full text of the Settlement Agreement is available for public inspection and/or photocopying (at the requestor’s expense) during the hours of 9:00 a.m. to 4:00 p.m. at the Borough Clerk’s at the municipal Building, One Everett Place, East Rutherford, New Jersey 07073, and is posted on the Borough’s website at www.eastrutherfordnj.net.

On the date of Hearing, the Court will expect the Fairness Hearing to determine whether the Settlement Agreement is fair to low-and moderate-income households, and creates a realistic opportunity for the satisfaction of the Borough’s Affordable Housing obligations. The Borough will seek an Order formally approving the Settlement Agreement, subject to appropriate conditions, if any, that may be imposed by the Court, which Order will entitle the Borough to protection from any Mt. Laurel Builders’ Remedy lawsuit for a period through July 2025.

Any interested person may seek to appear and be heard at the January 17, 2019 Hearing on the Settlement Agreement and shall have the opportunity to present any position on the Settlement Agreement. Objections or comments by any interest person must be filed with the court at the above address on or before January 2, 2019, with duplicate copies forwarded by mail and email to the attention of the following:

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This Notice is provided pursuant to a directive of the Court and is intended to inform interested parties of the proposed 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 view by the Court as to the fairness, reasonableness, or adequacy of the Settlement Agreement or whether the Court will approve the Settlement Agreement.

Danielle Lorenc, RMC/CMR
Borough of East Rutherford