

BOROUGH OF RARITAN

NOTICE OF COMPLIANCE HEARING FOR THE BOROUGH OF RARITAN, COUNTY OF SOMERSET (the “BOROUGH”) REGARDING THE BOROUGH’S HOUSING ELEMENT AND FAIR SHARE PLAN AND COMPLIANCE WITH ITS OBLIGATION TO PROVIDE AFFORDABLE HOUSING TO LOW- AND MODERATE- INCOME HOUSEHOLDS

DOCKET NO: SOM-L-926-15

PLEASE TAKE NOTICE that on March 14, 2022, beginning at 9:00 a.m., there will be a Compliance Hearing (the “Hearing”) before The Honorable Thomas C. Miller, J.S.C. The hearing will be held virtually. At this time the link to participate has not been provided by the Court. Anyone wishing to participate in this hearing should contact Robert Colaneri at robert.colaneri@njcourts.gov, 908-334-7700 extension 13102, to obtain a copy of the Court’s link. The purpose of the Compliance Hearing is for the Court to consider the entry of a Final Judgment of Compliance and Repose in favor of the Borough, based upon the Housing Element and Fair Share Plan (the “HEFSP”), implementing resolutions and ordinances, and other supporting documentation submitted to the Court.

The Entry of a Final Judgment of Compliance and Repose would declare the Borough in compliance with its obligation to provide realistic opportunities for the creation of housing affordable to low- and moderate-income households as required by the New Jersey Constitution and the New Jersey Fair Housing Act of 1985, as amended. Entry of a Judgment of Compliance and Repose would bar through July 1, 2025, any claim that the Borough is failing to provide a sufficient, realistic housing opportunity for the creation of affordable housing for low- and moderate-income households.

The Court approved the Settlement Agreement between the Borough and Fair Share Housing Center, at a Fairness and Preliminary Compliance Hearing held on June 27, 2018. In accordance with the terms of the Settlement Agreement, the Borough has proposed a revised HEFSP and is adopting various resolutions and ordinances amending its zoning ordinance and implementing the terms of the Settlement Agreement. The Court will consider whether the Borough has complied with its obligations under the Settlement Agreement and whether the HEFSP will satisfy the Borough’s obligation to provide a realistic opportunity to meet a reasonable portion of the Borough’s Rehabilitation or Present Need obligation, its Prior Round obligations, and Realistic Development Potential for its 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., the substantive, applicable regulations of the New Jersey Council on Affordable Housing (“COAH”), the New Jersey Supreme Court’s March 10, 2015 decision in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97* by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), and other applicable laws.

The HEFSP addresses the components of the Borough’s affordable housing obligations for the period 1987-2025, including the means for the Borough to meet a reasonable portion of the

Present Need Obligation (or rehabilitation obligation) of 40 housing units, and fully addresses its Prior Round obligation of 82 housing units, and the Borough's Realistic Development Potential to address a substantial portion of its Third-Round new construction obligation of 293 units as agreed to by the Fair Share Housing Center. The HEFSP 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. The full text of the HEFSP, the implementing ordinances and resolutions, and other required documents will be available for public inspection and/or photocopying (at requestor's expense) at least 30 days before the Compliance Hearing during the hours of 9 a.m. to 4 p.m. at the Borough Clerk's Office located at 22 First Street, Raritan, New Jersey 08869.

On the date of the hearing, the Court will conduct a Compliance Hearing to determine whether the HEFSP is fair to low- and moderate-income households and creates a realistic opportunity for satisfaction of the Borough's affordable housing obligations. The Borough will seek a Judgment of Compliance and Repose, subject to appropriate conditions, if any, which may be imposed by the Court, and which Judgment of Compliance and Repose will entitle the Borough to protection from any Mount Laurel Builder's Remedy lawsuit through July 1, 2025.

Any interested person may seek to appear and be heard at the March 14, 2022, Compliance Hearing and shall have the opportunity to present any position on the HEFSP. Objections or comments by any interested person must be filed with the Court at the above address on or before March 7, 2022, with duplicate copies forwarded by mail and email to the attention of the following:

James F. Moscagiuri, Esq.
Lavery, Selvaggi, Abromitis & Cohen, P.C.
1001 Route 517
Hackettstown, NJ 07840
jmoscagiuri@lsaclaw.com

Kevin Walsh, Esq.
Adam Gordon, Esq.
Fair Share Housing Center
510 Park Blvd.
Cherry Hill, NJ 08002-3318
kevinwalsh@fairsharehousing.org
adamgordon@fairsharehousing.org

Kendra Lelie, PP, AICP, LLA
T & M Associates
11 Tindall Road
Middletown, NJ 07748
klelie@tandmassociates.com

This Notice is provided pursuant to the Order of the Court and is intended to inform interested parties of the proposed entry of Final Judgment of Compliance and Repose and the possible consequences of the entry of such a Judgment. This Notice does not indicate any view by the Court as to whether the Borough is in compliance with its obligations under the New Jersey Constitution and the New Jersey Fair Housing Act of 1985, or whether the Court will enter a Final Judgment of Compliance and Repose.

Eric M. Colvin
Borough Clerk/Administrator

Borough of Raritan