

TOWNSHIP OF MORRIS

**NOTICE OF COMPLIANCE HEARING FOR THE TOWNSHIP OF MORRIS,
COUNTY OF MORRIS (“TOWNSHIP”) REGARDING THE TOWNSHIP’S HOUSING
ELEMENT AND FAIR SHARE PLAN, AFFORDABLE HOUSING TRUST FUND
SPENDING PLAN, AND COMPLIANCE WITH ITS OBLIGATION TO PROVIDE
AFFORDABLE HOUSING TO LOW AND MODERATE INCOME HOUSEHOLDS**

DOCKET NO. MRS-L-1670-15

PLEASE TAKE NOTICE that on Friday, June 15, 2018, beginning at 1:30 P.M., there will be a Compliance Hearing (“Hearing”) before the Honorable Maryann L. Nergaard, J.S.C. at the Morris County Courthouse, Court Street and Washington Street, Morristown, New Jersey 07960, the assigned courtroom can be ascertained at the front desk.

The purpose of the Hearing is for the Court to consider the entry of a Final Judgment of Compliance in favor of the Township, based on the Housing Element and Fair Share Plan and implementing ordinance(s) which have been submitted to the Court.

Entry of a Final Judgment of Compliance would declare the Township to be 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 would bar through July 1, 2025 any claim that the Township is failing to provide a sufficient realistic housing opportunity for the creation of housing for low and moderate income households.

The Court has previously approved a Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”). In accordance with the terms of the Settlement Agreement, the Township has adopted a revised Housing Element and Fair Share Plan, has adopted various ordinances amending its zoning ordinances and otherwise implementing the terms of the Settlement Agreement, and compiled and provided additional supporting information to the Special Master. The Court will consider whether the Township has complied with its obligations under the Settlement Agreement, the Special Master’s Review of the Settlement Agreement dated January 31, 2018 (“Special Master’s Review”), and the February 9, 2018 Order entered by the Hon. Maryann L. Nergaard J.S.C., approving the Settlement Agreement after a Fairness Hearing and requiring compliance with the Special Master’s Review. The Court will also consider whether the Township’s Housing Element and Fair Share Plan will satisfy the Township’s obligation to provide a realistic opportunity to satisfy the Township’s Rehabilitation share (present need), Prior Round and Third Round “fair share” of the regional need for housing affordable to low income 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 the matter of In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015), and other applicable laws.

The Housing Element and Fair Share Plan fully addresses the existing components of the Township's affordable housing obligation for the period 1987-2025, including the Township's Present Need obligation (or Rehabilitation Share) of 24 housing units, its Prior Round obligation of 293 housing units, and its Third Round New Construction (prospective need) obligation of 767 housing units consisting of a Realistic Development Potential of 400 units and unmet need. The Housing Element and Fair Share Plan provides a detailed list of the Township's total affordable housing obligation and compliance mechanisms demonstrating the Township's compliance with those affordable housing obligations. The full text of the Housing Element and Fair Share Plan and the implementing ordinances are available for public inspection and/or photocopying (at requestor's expense) during the hours of 8:30 A.M. to 4:30 P.M. at the Township Clerk's office located at the Morris Township Municipal Building, 50 Woodland Avenue, Convent Station, New Jersey 07961.

On the date of the Hearing, the Court will conduct a Compliance Hearing to determine whether the Housing Element and Fair Share Plan is fair to low and moderate income households and creates a realistic opportunity for satisfaction of the Township's affordable housing obligations. The Township will seek a Judgment of Compliance and Repose, subject to appropriate conditions, if any that may be imposed by the Court, which Judgment of Compliance and repose will entitle the Township to protection from any Mount Laurel builder's remedy lawsuits through July 1, 2025.

On the date of the Hearing, and as part of the Compliance Hearing, the Court will also review the Township's Spending Plan to determine whether the Spending Plan meets all legal requirements and is entitled to final approval. The full text of the Township's Affordable Housing Trust Fund Spending Plan is available for public inspection and/or photocopying (at requestor's expense) during the hours of 8:30 A.M. to 4:30 P.M. at the Township Clerk's office located at the Morris Township Municipal Building, 50 Woodland Avenue, Convent Station, New Jersey 07961.

Any interested person may seek to appear and be heard at the June 15, 2018 Compliance Hearing and shall have the opportunity to present any position on the Housing Element and Fair Share Plan and/or the Spending Plan. Objections or comments by any interested person must be filed with the Township at the above address on or before June 5, 2018, with duplicate copies forwarded by mail *and* e-mail to the attention of the following:

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This Notice is provided pursuant to the directive of the Court and is intended to inform interested parties of the proposed entry of a Final Judgment of Compliance and the possible consequences of the entry of such a judgment. This Notice does not indicate any view by the Court as to the whether the Township 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.

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