

**BOROUGH OF RUMSON, COUNTY OF MONMOUTH
PUBLIC NOTICE OF MOUNT LAUREL COMBINED
COMPLIANCE AND FAIRNESS HEARING**

Docket Number: MON-L-2483-15

PLEASE TAKE NOTICE that, on February 9, 2021, beginning at 9:00 a.m. the Honorable Linda Grasso Jones, J.S.C. will conduct a combined Compliance and Fairness Hearing in the In The Matter of the Application of the Borough of Rumson in Monmouth County, bearing Docket No. MON-L-2483-15 at the Monmouth County Superior Courthouse located at 71 Monument Street Freehold, New Jersey 07728.

Please note that due to the ongoing COVID-19 emergency, the combined Compliance and Fairness Hearing may not be held in person at the Monmouth County Courthouse if the Courthouse is still closed at that time. Information about courtroom closings are available at njcourts.gov. If the Courthouse is closed on the date of the combined Compliance and Fairness Hearing, it will be conducted virtually. Any person who wishes to remotely participate in the Compliance Hearing should check njcourts.gov and the Borough's website for updated information. In addition, such a person may also contact Surenian, Edwards & Nolan, LLC at 732-612-3100. For the convenience of the public, zoom login information for the combined Compliance and Fairness Hearing can be found in an Order entered by the Court, which has been posted on Rumson Borough's website.

The purpose of the combined Compliance and Fairness Hearing is for the Court to determine (1) whether an Amendment to a Settlement Agreement between Fair Share Housing Center ("FSHC") and the Borough of Rumson (hereinafter "Amendment to FSHC Settlement Agreement") entered into on December 15, 2020 is fair and reasonable to the region's low and moderate income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J.Super. 359 (Law Div.1984), aff'd o.b., 209 N.J.Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J.Super. 311 (App. Div. 1996), and (2) whether the Housing Element and Fair Share Plan (hereinafter "Affordable Housing Plan") of the Borough of Rumson, satisfies the Borough's obligation to provide a realistic opportunity to satisfy the Rehabilitation, Prior Round and Round 3 components of its "fair share" of the regional need for housing affordable for very low, low and moderate income households pursuant to (i) the Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 et seq., (ii) applicable substantive regulations of the New Jersey Council on Affordable Housing ("COAH"), (iii) the Settlement Agreement entered into between FSHC and the Borough of Rumson on January 16, 2020, approved by the Court at a properly noticed Fairness Hearing held in June and July of 2020, and memorialized by an approval order entered by the Court on July 29, 2020, as amended, and (iv) other applicable laws. If the Court determines that the Borough has satisfied its obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Round 3 components of its "fair share," it will enter a Judgment of Compliance and Repose, which will give Rumson protection from Mount Laurel lawsuits until July 2, 2025.

To facilitate this procedure, the Borough has presented to the Court and placed on file with the Borough Clerk, a copy of the Affordable Housing Plan and various other related documents, including the Amendment to the FSHC Settlement Agreement. These documents are available for public inspection at the office of the Borough Clerk located at 80 East River Road, Rumson, NJ 07760 during normal business hours. Given the COVID-19 crisis and the Borough's current

operating schedule, you may contact the Borough Clerk during normal business hours, to request a copy of the documents be sent to you. Alternatively, you may contact Surenian, Edwards & Nolan, LLC at the contact information listed below to request a copy of the documents be sent to you.

The Affordable Housing Plan, the Amendment to the FSHC Settlement Agreement, and additional documents on file in the Borough's Municipal Building describe how the Borough will address its "fair share" of the regional need for low and moderate-income housing as established pursuant to a Court-approved Settlement Agreement between the Borough of Rumson and FSHC dated January 16, 2020 as amended. The various elements of the Borough's Fair Share plan are summarized as follows:

1. Rumson Borough's Rehabilitation Obligation is 29.
2. Rumson Borough's Prior Round Obligation (1987-1999) is 268.
3. Rumson Borough's Round 3 Obligation (2015-2025) is 335.
4. Rumson has a combined Prior Round and Round 3 Realistic Development Potential ("RDP") of 51, which leaves a combined remaining "unmet need" of 552.
5. The Borough will address its Rehabilitation Obligation of 29 by hiring a separate entity to run a local Rehabilitation Program.
6. The Borough will address its combined Prior Round and Round 3 RDP of 51 as follows:
 - a. 5 already constructed and occupied affordable units.
 - b. 9 proposed Market To Affordable units to be created under the Borough's already existing Market to Affordable program.
 - c. 15 affordable units from the proposed Carton Street Project: Under the terms of the Settlement Agreement between the Borough and Yellow Brook, developer Yellow Brook will be constructing up to 18 total market rate units on 132 Bingham Avenue (Block 94, Lot 5), and up to 16 total market rate units on 91 Rumson Road (Block 124, Lot 31). Instead of affordable units being constructed by the developer on these sites, the developer will convey to the Borough another site that it owns located on Carton Street (Block 59, Lot 10), and will also make a payment of \$1.45 million to the Borough's Affordable Housing Trust Fund. The Borough will then work with Bergen County United Way/Madeline Housing Partners, LLC (hereinafter "BCUW") to build 10 affordable family rental units and 5 affordable supportive and special needs bedroom units on Carton Street, using monies from its Affordable Housing Trust Fund.
 - d. 1 affordable family for-sale unit from the 6 Maplewood Project, located at 6 Maplewood (Block 51, Lot 17), which will be constructed by Habitat for Humanity.
 - e. 2 affordable family rental units from the 61 South Ward Project, located at 61 South Ward (Block 141, Lot 19), which will involve BCUW renovating an existing house on the site.
 - f. 1 affordable family rental unit and 5 supportive and special needs bedroom units from the 15 Maplewood Project, located at 15 Maplewood (Block 50, Lot 7), which after the site is subdivided, will involve BCUW renovating an existing house for the family rental unit on one subdivided site and constructing a second 5-bedroom supportive and special needs house on the second subdivided site.
 - g. 13 rental bonus credits.

7. The Borough will address its remaining “Unmet Need” as follows:
 - a. Faith Institution Overlay Zones:
 - i. Holy Cross Church: An overlay zone was adopted over the Holly Cross Church site (Block 104, Lot 1.01), which will allow for a residential project to be developed at a density of 6 du/acre, and will require a 20% affordable housing set-aside.
 - ii. First Presbyterian Church: An overlay zone was adopted over the First Presbyterian Church site (Block 10, Lot 6), which will allow for a residential project to be developed at a density of 8 du/acre, and will require a 20% affordable housing set-aside.
 - iii. Congregation B’Nai Israel: An overlay zone was adopted over the Congregation B’Nai Israel site (Block 81, Lot 6), which will allow for a residential project to be developed at a density of 6 du/acre, and will require a 20% affordable housing set-aside.
 - b. Downtown GB/NB/POB Overlay Zone: The Borough adopted an overlay zone over the GB, NB and POB Zones, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, which allows multi-family mixed-use projects of up to three stories at 12 du/acre with a 20% affordable housing set-aside.
 - c. R-2 Overlay Zone: The Borough adopted an overlay zone on certain parcels in the R-2 district, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, which permits multi-family housing at a density of 3 du/acre on a minimum lot size of 3 acres, but with an affordable housing set-aside equal to what would be required at a density of 6 du/acre. The Borough will subsidize the affordable housing units associated with a density that exceeds the 3 du/acre. The Borough provided language in the ordinance that indicates that the maximum density will be 6 units per acre if funding for the affordable housing units is not made available. The overlay zone requires a 20% affordable housing set-aside.
 - d. R-4 Overlay Zone: The Borough adopted an overlay zone on certain parcels in the R-4 district, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, which permits multi-family housing at a density of 8 du/acre on a minimum lot size of one acre with a 20% affordable housing set-aside.
 - e. R-5 Overlay Zone: The Borough adopted an overlay zone on certain parcels in the R-5 district, as depicted on the map attached to the FSHC Settlement Agreement as Exhibit B, which permits multi-family housing at a density of 12 du/acre on a minimum lot size of one acre with a 20% affordable housing set-aside.
 - f. 10 Accessory Apartment Units from the Borough’s existing Accessory Apartment Program.
 - g. The Borough adopted a Mandatory Set-Aside Ordinance (“MSO”).
 - h. The Borough adopted an updated Development Fee Ordinance.

Any interested party, including any low or moderate income persons residing in the housing region, any organization representing the interests of low and moderate income persons, any owner of property in the Borough of Rumson, or any organization representing the interests of owners of property in the Borough of Rumson, may file comments on, or objections to, the Affordable Housing Plan or the Amendment to the FSHC Settlement Agreement. Objections must provide:

(a) a clear and complete statement as to each aspect of the Borough's Affordable Housing Plan or the Amendment to the FSHC Settlement Agreement contested by the objector; (b) an explanation of the basis for each objection; and (c) copies of all such expert reports, studies, or other data relied upon by the objector, along with a list of witnesses the Objector intends to call during the combined Compliance and Fairness Hearing. For an objector witness to testify during the combined Compliance and Fairness Hearing, an accompanying written expert report must be filed with all interested parties by the deadline below.

Such comments or objections, together with copies of any supporting affidavits, expert reports, or other documents, **must be filed in writing**, on or before January 29, 2021 at 4:00 p.m. with the Honorable Linda Grasso Jones, J.S.C. at the Monmouth County Superior Courthouse located at 71 Monument Street, Freehold, New Jersey 07728, with copies of all papers being forwarded by mail or e-mail to:

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This Notice is intended (1) to inform all interested parties of the existence of an Affordable Housing Plan adopted and endorsed by the Borough, the Amendment to the FSHC Settlement Agreement, and of documents on file that explain the specific manner in which the Borough proposes to address its "fair share" of affordable housing; and (2) to explain the consequences of Court approval of the Borough's Affordable Housing Plan; namely, immunity from any Mount Laurel lawsuits through July 2, 2025. This Notice does not indicate any view by the Court, the Special Master, the Borough, or FSHC as to whether the Court will approve the manner in which the Borough proposes to satisfy its fair share.