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**IN THE MATTER OF THE
APPLICATION OF THE BOROUGH
OF RUMSON, COUNTY OF
MONMOUTH**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY**

DOCKET NO.: MON-L-2483-15

CIVIL ACTION – MOUNT LAUREL

**ORDER SETTING COMBINED
FAIRNESS AND COMPLIANCE
HEARING DEADLINES**

THIS MATTER having been opened via the filing of a Declaratory Judgment Complaint, along with a simultaneous motion for temporary immunity, by Surenian, Edwards, Buzak & Nolan, LLC, Erik C. Nolan, Esq. appearing on behalf of Declaratory Plaintiff, the Borough of Rumson (hereinafter the “Borough” or “Rumson”); and the Borough having received a Conditional Judgment of Compliance and Repose on February 24, 2021, which was finalized by a second order entered by the Court on June 1, 2021 (hereinafter “JOR Order”); and said JOR Order having approved the Borough’s Third Round Housing Element and Fair Share Plan as well as a Settlement Agreement entered into between the Borough and Fair Share Housing Center (“FSHC”) on January 16, 2020, as was amended by a First Amendment to the Settlement Agreement entered into on December 15, 2020; and two other Consent Orders having been entered into on January 10, 2022 and May 13, 2022, which amended the JOR Order; and the Borough having decided to add an additional affordable housing site to make up for a gap in its Realistic Development Potential (“RDP”); and to accomplish this goal, and make other adjustments to other infill affordable housing projects in its plan, the Borough’s Planning Board adopted an Amended Housing Element

and Fair Share Plan on October 2, 2023 and the Borough Council endorsed same on October 10, 2023 (hereinafter “October 2023 Amended Fair Share Plan”); and the Borough and FSHC having negotiated and entered into a Second Amendment to the January 16, 2020 Settlement Agreement between the Borough and FSHC on May 16, 2024 (hereinafter “Second Amendment”) to ensure that the additional affordable housing project, and adjustments to the other infill affordable housing projects, are fair and reasonable to low and moderate income households; and the Borough having to amend the October 2023 Amended Fair Share Plan to implement the proposed changes from the Second Amendment (hereinafter the “2024 Amended Fair Share Plan”); and the Court having held a Case Management Conference on May 29, 2024; and the Court having entered a Case Management Order on that same day (“CMO”) scheduling a final Combined Fairness and Compliance Hearing for October 24, 2024 at 9:00 a.m.; and counsel from Rumson having prepared this more detailed form of Scheduling Order setting forth the deadlines leading up to the final Combined Fairness and Compliance Hearing; and the Court having granted the Borough immunity from all Mount Laurel lawsuits in the Conditional JOR Order entered on February 24, 2021, which will remain in full force and effect until July 2, 2025; and good cause appearing:

IT IS on this 18th day of June 2024, **ORDERED** as follows:

1. A Combined Fairness and Compliance Hearing in this matter is hereby scheduled for Thursday October 24, 2024 at 9:00 a.m., to be held in person. The purpose of the hearing will be to amend the Borough’s JOR Order and will be narrowly tailored to address the changes made in the 2024 Amended Fair Share Plan and the Second Amendment. The purpose of this hearing is not to re-open for objections the already Court approved Borough Third Round Fair Share Obligations, older previously Court approved affordable housing projects, or previously Court approved affordable housing credits.

2. The Borough will properly Notice the final Combined Fairness and Compliance Hearing by September 9, 2024, which will include both Public and Direct Notice to the Borough's Service List, as well as posting said Notice on the Borough's website. By this same date, the Borough will also put on file a copy of the Second Amendment to the January 2020 Settlement Agreement between the Borough and FSHC, the Borough's 2024 Amended Fair Share Plan and other relevant documents for public inspection.
3. Any opposition to the Borough's submissions to the Court on September 9, 2024 by interested parties or members of the public shall be filed no later than September 30, 2024 in accordance with the Notice to be published by the Borough.
4. The Borough's reply submission to any objections received, along with any reply submissions in support of the Borough's submissions, shall be filed with the Court by October 14, 2024.
5. The Report of Special Adjudicator Francis Banisch shall be submitted to the Court and all counsel by October 21, 2024.
6. Counsel for the Borough shall provide all parties with a copy of this Order within seven (7) days of receipt, and will ensure that by September 9, 2024 that this Order is posted on the Borough's website for public inspection.

1/s/ Linda Grasso Jones, J.S.C.
HONORABLE LINDA GRASSO JONES, J.S.C.