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*Attorneys for Plaintiffs**Township of Verona*

IN THE MATTER OF THE TOWNSHIP OF
VERONA, a municipal corporation of the
State of New Jersey

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-L-4773-15

CIVIL ACTION*Mount Laurel Action***ORDER OF FAIRNESS**

THIS MATTER comes before the Court upon the Declaratory Judgment Complaint of Petitioner, Township of Verona ("Verona" or "Petitioner"), seeking a determination that the Township has complied with its Mount Laurel Obligation, in accordance with the procedures set forth in *In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015) (Mount Laurel IV), and

THE COURT HAVING conducted a Final Hearing on April 30, 2021, in accordance with the requirements of *Morris County Fair Housing Council v. Boonton Township*, 197 N.J. Super. 359, 364 (Law Div. 1984) *aff'd o.b.*, 209 N.J. Super. 208 (App Div. 1986) and *East/West Venture v. Borough of Fort Lee*, 286 N.J. Super. 311, 328 (App. Div. 1996), upon the Borough's proposed plan to provide for affordable housing, in the presence of Elizabeth McManus, Court Appointed Special Master; Brian Giblin, Esq., attorney for Plaintiff/Petitioner; Derek Orth, Esq., attorney for Intervenor Spectrum 360, and Josh Bauers, Esq., attorney for Intervenor Fair Share Housing Center ("FSHC"), and, sufficient notice of this hearing haven been given on March 29, 2021, in accordance with *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) ("Mount Laurel IV") and *Morris County Fair Housing Council v. Boonton Tp.*, 197 N.J. Super. 359 (Law Div. 1984), by publication in the Star Ledger, a copy of which was submitted to the Court and marked as Exhibit P-1, and by mailing notices to all interest parties on the Township's service list; and,

THE COURT HAVING received the testimony of the Township's Professional Planner, Chelsea Gleiss and the testimony of the Court Appointed Special Master, Elizabeth McManus; and,

THE COURT HAVING received into evidence the Report of the Special Master, dated April 28, 2021, and marked as Exhibit C-2 ("the Report") evaluating the fairness of the Township's Settlement Agreement with Fair Share Housing Center, based on the criteria set forth in *East/West Venture v. Township of Fort Lee*, 286 N.J. Super 311 (App. Div. 1996) for approving a settlement of a Mount Laurel Litigation; and

IT IS ON THIS ^{September}~~15th~~ day of ~~August~~, 2021, **ORDERED AND ADJUDGED**

1. Petitioner properly afforded notice of the Fairness Hearing in accordance with governing law.
2. Pursuant to the judicial standard set forth in *East/West Venture v. Bor. of Fort Lee*, 286 N.J. Super. 311 (App. Div. 1996), the FSHC Agreement is fair, reasonable, and adequately protects the interests of the region's low- and moderate-income households, and the Court therefore approves same.
3. The Court preliminarily finds that the Townships proposed Affordable Housing Plan, as set forth within the FSHC Agreement, facially creates a realistic opportunity to satisfy the Township's fair share of the regional need for affordable housing, subject to confirmation by the Court during a duly-notice Compliance Haring.
4. As set forth in the Settlement Agreement between Fair Share Housing Center and the Township of Verona dated February 23, 2021, and established at the April 30, 2021, Fairness Hearing, the Township's cumulative 1987-2025 third round Mount Laurel affordable housing obligation comprised of:
 - a. A Present Need Obligation of 23 housing units;
 - b. A Prior Round Obligation of 24 housing units;
 - c. A Third Round Prospective Need Obligation of 215 housing units
5. The findings, conclusions and grant of Judgment set forth herein are conditioned upon the satisfaction of the following requirements: The Township shall, within 120 days of entry of this Judgment, submit to the Special Master the following supplementary material needed to verify credit eligibility:

- i. The Township shall provide all crediting documentation and a draft affordable housing ordinance to the Special Master and FSHC within sixty (60) calendar days of the entry date of this Order for all parties to review and comment on.
- ii. The Township's mandatory affordable housing set-aside ordinance shall be applicable to all new multi-family residential developments of five (5) or more units (whether for sale or rental) and shall be at twenty (20%) percent for units that are for sale and fifteen percent (15%) for rental units.
- iii. The Township shall prepare and adopt, within one hundred and twenty (120) calendar days of the entry date of this Order, an amended Housing Element and Fair Share Plan (HEFSP) and Spending Plan.
- iv. The Ordinance referred to in Section 6(ii) above shall be both amending the Township's Affordable Housing Ordinance, and, where applicable, the Township's Zoning Ordinances to effectuate this Agreement.
- v. At least fifty percent (50%) of all affordable housing units addressing the Township's Third Round Prospective Need (1998-2025) shall be affordable to low-income households, of which thirteen percent (13%) of said affordable housing units shall be reserved for very low income households. The remainder of the affordable housing units shall be affordable to moderate income households. Very low income, low income and moderate income are as defined by an amended to the Fair Housing Act.
- vi. At least twenty-five percent (25%) of the Township's Third Round Prospective Affordable Housing Need shall be met through rental units, of which at least fifty percent (50%) of which shall be rental units available to families.
- vii. At least fifty percent (50%) of all of the affordable housing units addressing the Township's Third Round Prospective Need in total (rental and for sale) must be available to families.
- viii. No more than twenty-five percent (25%) of all of the Township's affordable housing units, addressing the Township's Prior Round and Third Round Prospective Need obligations, shall be age-restricted.
- ix. Rental bonuses shall be calculated in accordance with COAH's Second Round rules found currently at N.J.A.C. 5:93-5.15(d).

- x. With the exception of above, all affordable housing units which were/are created pursuant to the Settlement Agreement between the Township and FSHC shall comply with the Uniform Housing Affordability Controls ("UHAC") rules and regulations.
 - xi. The Township shall create its affirmative marketing plan to include FSHC and other named organizations in FSHC's list of community and regional organizations. The Township and any other developers and/or administrative agencies conducting affirmative marketing shall provide notice to the FSHC and its other named organizations of any available affordable housing units.
 - xii. On March 10, 2022 and every year thereafter through the end of the Agreement's period of coverage, the Township Agrees to provide a status report of all affordable housing units and trust fund activity on a form/forms provided by either the Special Master or FSHC.
 - xiii. Within thirty (30) calendar days of every third (3rd) anniversary year of the Agreement, the Township will publish on the Township's website, and submit to FSHC, a status report regarding the Township's satisfaction of its very-low income requirements pursuant to N.J.S.A. 52:27D-329.1.
6. Service of Order. A copy of the within Order shall be served on counsel for all persons and/or entities of the municipal service list within seven (7) days of ~~receipt of this Order~~ the date of this Order per the Rules of Court.
~~by Counsel for the Township~~

For the reasons stated on the record on
April 30, 2021.

/s/ Robert H. Gardner, J.S.C.
HON. ROBERT H. GARDNER, J.S.C.

☒ Opposed

☐ Unopposed