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September 6, 2024

VIA Certified Mail, Return Receipt Requested

Supreme Court Service List
Non-Profits Affordable Housing Agencies
COAH Service List

RE: I/M/O the Application of the Borough of Rumson, County of Monmouth
Docket No. MON-L-2483-15

NOTICE OF JOINT FAIRNESS AND COMPLIANCE HEARING –
October 24, 2024 at 9:00 am

Dear Sir or Madam:

Attached, please find a Notice that the Borough of Rumson is publishing in the *Asbury Park Press* and *Two River Times*. The Notice is self-explanatory. Copies of the relevant documents will be on file and available for inspection starting on September 9, 2024 at the City's municipal building and with the Court.

You received this Notice because you may be an interested party with regard to the above-referenced action. If you would like to be removed from this list or to receive future notices by electronic means only, please contact Samantha Paradise at 732-612-3100 and provide us with an email address or direct us to remove you from the City's Mount Laurel Service List.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC

Erik C. Nolan
Erik C. Nolan, Esq.

ECN/sp

BOROUGH OF RUMSON, COUNTY OF MONMOUTH
PUBLIC NOTICE OF MOUNT LAUREL COMBINED
FAIRNESS AND COMPLIANCE HEARING
Docket Number: MON-L-2483-15

PLEASE TAKE NOTICE that on October 24, 2024, beginning at 9:00 a.m., the Honorable Linda Grasso Jones, J.S.C. will conduct a combined Fairness and Compliance 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.

The purpose of the combined Fairness and Compliance Hearing is narrowly tailored for the Court to amend the Borough's final Judgment of Compliance and Repose Order by determining (1) whether a Second Amendment to a Settlement Agreement between Fair Share Housing Center ("FSHC") and the Borough of Rumson (hereinafter "Second Amendment to the FSHC Settlement Agreement") entered into on May 16, 2024 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 2024 Amended Housing Element and Fair Share Plan (hereinafter "2024 Amended Affordable Housing Plan") of the Borough of Rumson, satisfies the Borough's obligation to provide a realistic opportunity to satisfy the Borough's Third Round Realistic Development Potential ("RDP") based on the addition of one infill project and certain changes being made to other infill projects 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 as amended, and (iv) other applicable laws. If the Court determines that the changes made to the Borough's plan satisfy its obligation to provide a realistic opportunity for its adjusted Third Round RDP, it will enter an Order amending the Borough's Final Judgment of Compliance and Repose, which will continue to give Rumson protection from all Mount Laurel lawsuits until July 2, 2025. The purpose of this hearing is not to reopen other already approved portions of the Borough's plan, including but not limited to, (1) the already approved Borough credits for existing occupied affordable housing units, (2) the Borough's Court approved fair share obligations, and (3) how the Borough is addressing its remaining unmet need.

To facilitate this procedure, the Borough will present to the Court and place on file with the Borough Clerk, a copy of the 2024 Amended Affordable Housing Plan and various other related documents, including the Second Amendment to the FSHC Settlement Agreement on September 9, 2024, which is 45 days prior to the hearing. 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. Alternatively, you may contact Surenian, Edwards, Buzak & Nolan, LLC at the contact information listed below to request a copy of the documents be sent to you.

The various elements of the Borough's 2024 Amended Affordable Housing Plan are summarized as follows:

1. Rumson Borough's Court approved Rehabilitation Obligation is 29.
2. Rumson Borough's Court approved Prior Round Obligation (1987-1999) is 268.

3. Rumson Borough's Court approved Round 3 Obligation (2015-2025) is 335.
4. Rumson has a combined adjusted Prior Round and Round 3 Realistic Development Potential ("RDP") of 50, which leaves a combined remaining "unmet need" of 553.
5. The Borough will address its Rehabilitation Obligation of 29 through the continued implementation of the Borough's Rehabilitation Program.
6. The Borough will address its combined adjusted Prior Round and Third Round RDP of 50 as follows:
 - a. 2 constructed Market to Affordable units; 1 constructed and occupied affordable housing unit located at 19 North Street (Block 46, Lot 15) and 1 constructed and occupied affordable housing unit constructed by Habitat for Humanity at 68 Blackpoint Road (Block 54, Lot 5).
 - b. 1 constructed and occupied family rental unit from the Washington Street Inclusionary Development located at 16 Washington Street (Block 8, Lot 5).
 - c. 2 constructed and occupied family rental units from the Lafayette Street Inclusionary Development located at 7 Lafayette Street (Block 8, Lot 4).
 - d. 12 age-restricted affordable units from the proposed Carton Street Project located on Block 59, Lot 10.
 - e. 1 constructed and occupied affordable family for-sale unit from the 6 Maplewood Project, located at 6 Maplewood (Block 51, Lot 17), which was constructed by Habitat for Humanity.
 - f. 2 affordable family rental units from the 61 South Ward Project, located at 61 South Ward (Block 141, Lot 19), which will be constructed by BCUW.
 - g. 1 affordable constructed and occupied family rental unit and 4 proposed supportive and special needs bedroom units from the 15 Maplewood Project, located at 15 Maplewood (Block 50, Lot 7), which is a double lot with an existing house on Lot A that has been renovated into a three-bedroom moderate-income family rental unit and BCUW is working to construct a second house on Lot B, which will be a four bedroom supportive and special needs home.
 - h. 12 affordable family rental units from the proposed West River Road 100% affordable housing/municipally sponsored project located at 49 West River Road (Block 25, Lot 4).
 - i. 13 rental bonus credits.
7. The Borough will continue to address its remaining "Unmet Need" through the adopted Faith Institution Overlay Zone, the adopted Mixed-Use Overlay Zone GB/NB/POB Overlay Zone, the adopted ROI-2 Overlay Zone, the adopted ROI-4 Overlay Zone, the adopted ROI-5 Overlay Zone, the adopted Mandatory Set-Aside Ordinance ("MSO"), the Borough's Accessory Apartment program and the Borough's Market to Affordable Program.

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 2024 Amended Affordable Housing Plan or the Second Amendment to the FSHC Settlement Agreement. Objections must provide: (a) a clear and complete statement as to each modified

aspect of the Borough's 2024 Amended Affordable Housing Plan that still needs to be approved or the Second 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 Fairness and Compliance Hearing. For an objector witness to testify during the combined Fairness and Compliance 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 September 30, 2024 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 the 2024 Amended Affordable Housing Plan adopted and endorsed by the Borough, the Second 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 2024 Amended 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.