

NOTICE OF FAIRNESS HEARING FOR THE BOROUGH OF HASBROUCK  
HEIGHTS, COUNTY OF BERGEN ("BOROUGH"), FOR APPROVAL OF A  
SETTLEMENT OF MOUNT LAUREL LITIGATION

Docket No. BER-L-6098-15

PLEASE TAKE NOTICE that on March 26, 2018, beginning at 11:00 A.M., there will be a Fairness Hearing ("Hearing") before the Honorable Menelaos W. Toskos, J.S.C., at the Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey 07601 in Room 424.

The purpose of the Hearing is for the Court to consider two issues: (a) whether the proposed Settlement Agreement between the Borough of Hasbrouck Heights and Fair Share Housing Center ("FSHC") in the Mount Laurel Declaratory Judgment Action entitled In The Matter of the Application of the Borough of Hasbrouck Heights, County of Bergen, Docket No. BER-L-6098-15 (the "Settlement Agreement") 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), thereby entitling the parties to this settlement to judicial approval of said Settlement Agreement, and (b) whether the establishment of the Borough's fair share obligations and the Borough's preliminary compliance efforts (reflected in the terms of the Settlement Agreement and to be reflected in a future Housing Element and Fair Share Plan for which it is anticipated that the Borough Planning Board and Borough Council will review and take future action, pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.) will satisfy the Borough's obligation to provide a realistic opportunity to satisfy its rehabilitation, Prior Round and Third Round "fair share" of the regional need for housing affordable to low income and moderate income households pursuant to 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 & N.J.A.C. 5:97, 221 N.J. 1 (2015) and other applicable laws.

The Borough's preliminary compliance efforts, as reflected in the terms of the Borough's Settlement Agreement with FSHC, fully address the existing components of the Borough's affordable housing obligations for the period 1987-2025. These include the Prior Round (1987-1999) obligation of 58 units, a present need obligation of 78 units, and a Third Round (1999-2025) obligation of 286 units which will be adjusted through a vacant land adjustment to 11-unit realistic development potential and a 313-unit unmet need from the Prior Round and the Third Round combined. The proposed terms of the Settlement Agreement provide a detailed list of the Borough's total affordable housing obligation and compliance mechanisms that demonstrate the Borough's compliance with those affordable housing obligations. The executed Settlement Agreement is available for public inspection and/or photocopying (at requestor's expense) between the hours of 9:00 A.M. to 4:30 P.M. at the Borough Clerk's office located at 320 Boulevard, Hasbrouck Heights, New Jersey 07604.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreement is fair to low and moderate income households pursuant to

the Morris County and East/West Venture cases noted above and creates a realistic opportunity for satisfaction of the Borough's affordable housing obligations pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), and the applicable procedural and substantive regulations of COAH and the Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) to satisfy the Borough's affordable housing responsibilities for the period 1987-2025.

Any interested third party that seeks to appear and be heard at the March 26, 2018 Hearing on the Settlement Agreement may have the opportunity to be heard. Any objections must fully comply with N.J.A.C. 5:91-4.1 and 4.2, which provide minimum standards to which objections must comply. Such objections or comments by any interested person must be filed, together with copies of any supporting affidavits or other documents, with the Court at the below address on or before March 12, 2018 with duplicate copies being forwarded by mail and email to the attention of the following:

Honorable Menelaos W. Toskos, J.S.C.  
Superior Court of New Jersey  
Bergen County Justice Center  
10 Main Street  
Hackensack, New Jersey 07601

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This Notice is provided by direction of the Court and is intended to inform interested parties of (a) the existence of the Settlement Agreement, and the possible consequences of Court approval of the Settlement Agreement, which may ultimately lead to a Judgment of Compliance and Repose; and (b) the Borough's preliminary compliance measures as reflected in the terms of the Settlement Agreement, and inform such parties that they are able to comment on said

Settlement Agreement before the Court reviews and evaluates whether to approve the Settlement Agreement. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Borough's Settlement Agreement with FSHC under the *Mount Laurel Doctrine* and governing law.