

TOWNSHIP OF OLDMANS, COUNTY OF SALEM
PUBLIC NOTICE OF MOUNT LAUREL JOINT FAIRNESS AND COMPLIANCE HEARING
Docket Number: SLM-L-64-22

PLEASE TAKE NOTICE that a virtual joint “Fairness and Compliance Hearing” will be held on March 19, 2024, before the Honorable Robert G. Malestein, P.J.Ch., Superior Court of New Jersey, Law Division, at 1:30 p.m. at the Salem County Superior Court of New Jersey, Salem County Superior Court, at 92 Market Street Salem, NJ 08079, in In the Matter of the Application of the Township of Oldmans, Docket Number SLM-L-64-22 to consider the following documents: (1) an Agreement between the Township of Oldmans and Fair Share Housing Center (“FSHC”) (“FSHC Agreement”); and (2) the Township’s Housing Element and Fair Share Plan (“HEFSP” or “Compliance Plan”). The purpose of the Joint Hearing is for the Court to determine whether the Agreement is fair and reasonable to the protected class and to determine if the adopted HEFSP of the Township of Oldmans satisfies the Township’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 to low- and moderate-income households pursuant to (1) the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et. seq., (2) applicable substantive regulations of the New Jersey Council on Affordable Housing (“COAH”), (3) the Agreement entered into between FSHC and the Township of Oldmans, and (4) other applicable laws. Through this judicial proceeding, the Court will evaluate (1) whether the proposed 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); and (2) whether the Township’s HEFSP creates the requisite realistic opportunity for the construction of the Township’s Fair Share of the regional housing need. If the Court approves the Agreement and determines that the Township’s HEFSP satisfies 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 Round 3 Judgment of Compliance and Repose, which among other things, will provide the Township of Oldmans legal protection (repose) from all Mount Laurel exclusionary lawsuits through July 2, 2025.

1. The terms of the Settlement Agreement dictate that the Township’s Rehabilitation obligation is zero units, its “Prior Round” obligation (the new construction obligation from 1987-1999) is 125 units, and its “Third Round” (the new construction obligation from 1999-2025) is 120 units. However, the Township does not have sufficient water and sewer to fulfill its new construction obligation and will be taking a durational adjustment in accordance with COAH’s regulations at 5:93-4.3. The Township will apply the following credits and reductions to this combined obligation from sites that already have been developed and/or have been approved and have adequate water and sewer (or on-site wastewater disposal treatment) capacity existing or anticipated in the near future to proceed with development, subject to the reduction in the obligation by the acceptance of the proposed credits set forth below:

Development	Type	Tenure	Status	Units	Bonus	Credits
Habitat for Humanity (54 S. Railroad Avenue, Block 9, Lot 3)	100% Affordable	Family Sale	Approved and occupied	1		1

Development	Type	Tenure	Status	Units	Bonus	Credits
78 Perkintown Road (Block 43, Lot 10)	100% Affordable	Family Sale	Proposed	1		1
Market-to-Affordable	100% Affordable	Family Rental/Family Sale	Proposed	5 Rentals 5 For-Sale	TBD	10
Alternative Living Arrangements Anticipated Group Home	Group Home	Special Needs Rental	Proposed	TBD	TBD	TBD
Alternative Living Arrangements Future Group Homes for Physically or Developmentally Disabled Adults	Group Home	Special Needs Rental	Proposed	TBD	TBD	TBD
Total				TBD	TBD	TBD

Additionally, the Township will be adopting a mandatory set-aside ordinance which will require a 20% set-aside for rental units or a 15% set-aside for for-sale units on any development project that is greater than five (5) dwelling units within the Township.

The proposed Settlement Agreement, HEFSP and related documents have been placed on file for public inspection and copying during regular business hours at the office of the Township Clerk, 40 Freed Rd., Pedricktown, NJ 08067. You may contact the Township Clerk at (856) 299-0780 or by email: clerk@oldmantownship.com, during normal business hours to request copies of the documents be sent to you. In addition, you may contact the Township's affordable housing attorney, Michael J. Edwards, Esq., or his paralegal, Laura Nelson at 732-612-3100, to request a copy of these documents.

Any interested party, including any low- or moderate-income person residing in the housing region, any organization representing the interests of low- and moderate-income persons, any owner of property in the Township of Oldmans, or any organization representing the interests of owners of property in the Township of Oldmans may file written comments on, or objections to, the Settlement Agreement and HEFSP. All objections should provide: (1) a clear and complete statement as to each aspect of the Township's Settlement Agreement and HEFSP contested by the objector; (2) an explanation of the basis for each objection; and (3) copies of any and all expert reports, studies, or other data relied upon by the objector.

If an interested person or party intends to present testimony (whether expert or factual) or arguments at the hearing as to the fairness of the Settlement Agreement, such comments or objections, together with copies of any and all supporting affidavits or other documents, **must be submitted in writing and filed with the**

Court, on or before March 4, 2024 at 4:30 p.m., to the Honorable Robert G. Malestein, J.S.C at the Gloucester County Superior Court, Gloucester County Courthouse, 1 North Broad Street, Woodbury, NJ 08096, with copies of all papers being forwarded by mail and e-mail by that date to:

Melinda Taylor, Clerk

Township of Oldmans
40 Freed Rd.
Pedricktown, NJ 08067

clerk@oldmantownship.com

Michael J. Edwards, Esq.

Surenian, Edwards, Buzak & Nolan LLC
311 Broadway, Suite A
Point Pleasant Beach, NJ 08742

MJE@Surenian.com

Ashley J. Lee, Esq.

Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002

ashleylee@fairsharehousing.org

Jennifer Beahm PP, AICP, Court Appointed Master

Leon S. Avakian, Inc.
788 Wayside Rd.
Neptune NJ 07753

jbeahm@leonsavakian.com

Join NJCourts Virtual Courtroom

<https://njcourts.zoomgov.com/j/1614260108?pwd=QXAYL0ZqRHZiQ2l6VVNmTU1LWm5RZz09>

Meeting ID: 161 426 0108

Password: 882132

This Notice is intended to inform all interested parties of the existence of the proposed Settlement Agreement and Compliance Plan and the possible consequences of Court approval of the Settlement Agreement and Compliance Plan, which may ultimately lead to a Judgment of Compliance and Repose or the judicial equivalent of a grant of Substantive Certification pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329. It does not indicate any view by the Court as to the merits of the Township's Mount Laurel Declaratory Action, the fairness, reasonableness, or adequacy of the proposed Settlement and Compliance Plan, or whether the Court will approve the Settlement Agreement and Compliance Plan. This Notice does not express any view by the Court, the Special Master, or the Township as to whether the Court will approve the manner by which the Township proposes to satisfy its fair share.