

BOROUGH OF FORT LEE

PUBLIC NOTICE OF FAIRNESS HEARING
TO APPROVE SETTLEMENT OF MOUNT LAUREL LITIGATION

PLEASE TAKE NOTICE that a virtual Fairness Hearing will be held on June 15, 2023 at 10:00 a.m. before the Honorable Gregg A. Padovano, J.S.C., to consider a proposed Settlement Agreement between the Borough of Fort Lee and Fair Share Housing Center (FSHC) in the Mount Laurel litigation entitled "In the Matter of the Petition of the Borough of Fort Lee, Bergen County, New Jersey", Docket No. BER-L-6289-15 as set forth herein. The Fairness Hearing will be held using remote technology only.

PLEASE TAKE FURTHER NOTICE that the hearing shall take place by video teleconference, the link for which shall be posted on the Borough of Fort Lee's municipal website along with this notice of the public hearing. The Borough of Fort Lee's website is www.fortleenj.org.

Only recognized email addresses and/or devices will be allowed entry into the virtual hearing. If you require entry with another device (i.e., I-Pad/cellular phone) please advise the Borough of Fort Lee in advance of the hearing by emailing Brian M. Chewcaskie, Esq. at bchewcaskie@cgalaw.com.

PLEASE TAKE FURTHER NOTICE that at the virtual Fairness Hearing, the Honorable Gregg A. Padovano, J.S.C. will consider the proposed settlement agreement between the Borough of Fort Lee and Fair Share Housing Center. Through this judicial proceeding, the Court will evaluate whether the proposed Settlement Agreement between the Borough of Fort Lee and FSHC 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 vs. Boonton Borough, 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. Borough of Fort Lee, 286 *N.J. Super.* 311 (App. Div. 1996). This Notice contains a summary of settlement terms only. Interested parties should contact the Fort Lee Borough Clerk for a complete copy of the Settlement Agreement between the Borough of Fort Lee and FSHC. This Notice summarizes the terms of the Settlement Agreement between the Borough of Fort Lee and FSHC. The terms of the Settlement Agreement include, but are not limited to, the following:

1. The agreed upon rehabilitation obligation is 219.
2. The agreed upon prior round obligation is 180.
3. The agreed gap plus prospective need or Round Three obligation (1999-2025) is 427.
4. The Borough's efforts to meet its rehabilitation obligation include participation in the Bergen County Home Improvement Program as well as Affordable Housing trust fund monies allocated to the Fort Lee Housing Authority as needed, which is sufficient to satisfy the rehabilitation obligation.

5. The Borough has fully satisfied its prior round obligations of 180 units through a combination of inclusionary housing developments and 100% affordable housing developments and rental bonus credits. The Borough has 10 surplus credits to apply to its Round Three obligation.

6. The Borough will address its Round Three obligation of 427 as follows:

A.	Surplus prior round credits			10 Units
		<u>Block</u>	<u>Lot(s)</u>	<u>Units</u>
B.	Action Motors	4355	13.02, 17, 18 & 19	90
C.	Rambo Hotel Veterans Housing and Family Rental	6959	11	4
D.	1 Executive Dr. North Ridge Pointe – Inclusionary Family Rental	6451	5.04	44
E.	Fort Lee Executive Drive Inclusionary Family Rental Redevelopment Areas 9 & 13	6451	5.02 & 5.03	79
F.	1435 Tenth Street Inclusionary Family Rental Redevelopment Area 10	2752	19	3
G.	90-100 Main Street, 1636 & 1640 Kaufer Lane and 55, 51, 47 Main Street Inclusionary Family Rental Redevelopment Area 12	4355	14, 15, 16, 11, 12, 20, 21, 22, 23	46
H.	1355 Fifteenth Street Family Rental	2251	3	40
I.	Very Special Homes Special Needs/Supportive Housing	1653	1.02, 1.02	26
J.	Church Lane Special Needs Special Needs/Supportive Housing	4951	12	10
K.	1545 Route 46 W Senior Rental/Assisted Living	2651	2	15

L.	Borough of Fort Lee 100% Senior Project Senior Rental	4651	7.01	92
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In addition, at the Fairness Hearing, the Court will consider the Global Settlement Agreement between the Borough of Fort Lee and the Fort Lee Redevelopment Associates LLC, Fort Lee Phase I Owner, LLC, Fort Lee Phase II Owner, LLC and Fort Lee Phase II Urban Renewal Associates LLC, hereinafter “FLRA Entities” and Fair Share Housing Center in the matters entitled Fair Share Housing Inc. v. Borough of Fort Lee et al, Docket No. BER-L-6198-17 and Fort Lee Redevelopment Associates LLC, et als v. Borough of Fort Lee et al, Docket No. BER-L-1522-21, which provide a contribution to the Borough of \$2.8 million dollars to satisfy the obligation of FLRA of its affordable housing obligations.

The proposed Settlement Agreements have been placed on the Borough’s website and are on file for public inspection and copying during regular business hours at the office of the Borough Clerk, Borough of Fort Lee, 309 Main Street, Fort Lee, NJ 07024. Any interested party, including any low or moderate income person residing in a housing organization representing the interest of low and moderate income persons, any owner of property in the Borough of Fort Lee or any organization representing the interests of the owners of property in the Borough of Fort Lee, may file, comment on or object to the settlement agreement. The Borough requests that all objections provide: (1) a clear and complete statement as to each aspect of the Borough’s settlement agreement contested by the objector; (2) an explanation of the basis for each objection; (3) copies of any and all expert reports, studies or other data relied upon by the objector; (4) proposed modification changes or other measures which the objector contends would resolve the objector’s dispute with the Borough; and (5) explanation of how the objector’s proposals are consistent with the Fair Housing Act (FHA), applicable COAH regulations and applicable case law. Such comments or objections, together with copies of any supporting Affidavits or other documents, must be filed in writing on or before May 30, 2023 at 4:00 P.M. with the Honorable Gregg A. Padovano, J.S.C. at the Bergen County Justice Center located at 10 Main Street, Hackensack, NJ 07601, with copies of all papers to be forwarded by mail to: Brian M. Chewcaskie, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Suite UL 105, Oakland, NJ 07436 or by email to bchewcaskie@cgajlaw.com; Ashley Lee via email to ashleylee@fairsharehousing.org; Thomas F. Carroll, III, Esq. via email to tcarroll@hillwallack.com, Elizabeth McManus via email to bmcmanus@kylemcmanus.com and Alfred Restaino, Borough Administrator via email to A-Restaino@fortleenj.org.

This Notice is intended to inform all interested parties of the existence of the proposed Settlement Agreements and the possible consequences of Court approval of the Settlement Agreements, 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-301-329*. It does not indicate any view by the Court as to the merits of the Borough’s Mount Laurel declaratory action. The fairness, reasonableness or adequacy of the proposed settlement or whether the Court will approve the Settlement Agreement.