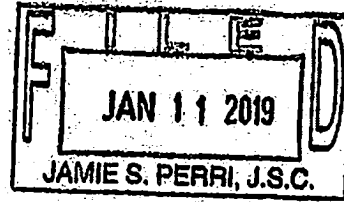


Pashmam Stein Walder Hayden, PC
By: Andrew Bayer, Esq. (033871988)
28 Leroy Place
Red Bank, NJ 07701
(732) 852-2481 (Phone)
(609) 852-2482 (Facsimile)
Attorneys for the Petitioner, Borough of Eatontown



**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY
DOCKET NO. MON-L-2522-15**

**IN THE MATTER OF
THE APPLICATION OF THE
BOROUGH OF EATONTOWN,
COUNTY OF MONMOUTH**

CIVIL ACTION

(Mt. Laurel)

**ORDER FIXING DATE FOR FAIRNESS AND
PRELIMINARY COMPLIANCE HEARING**

This matter having been opened to the Court by Pashman Stein Walder Hayden, PC (Andrew Bayer, Esq. appearing), attorneys for Petitioner Borough of Eatontown (the "Borough"), with a request for the scheduling of a Fairness and Compliance Hearing, approval of the terms of a Settlement Agreement by and between the Borough and Fair Share Housing Center; and for the issuance of a Final Judgment of Compliance and Repose; and the Court having considered the application and proposed Notice attached hereto and for good cause appearing;

IT IS on this 11th day of January, 2019;

ORDERED:


1. A Fairness and Preliminary Compliance Hearing shall be held before the Hon. Jamie S. Perri, J.S.C., on March 21, 2019, at 10:00 a.m. at the Monmouth County Courthouse, 71 Monument Park, Freehold, New Jersey, for consideration and approval of the Settlement Agreement between the Borough of Eatontown and

Fair Share Housing Center and to conduct a preliminary compliance hearing.

2. Within seven (7) days of the date of this Order, counsel for the Borough of Eatontown shall:
 - a. Serve a copy of this Order, attached Notice and service list upon Adam Gordon, Esq., attorney for Fair Share Housing Center, 510 Park Boulevard, Cherry Hill, New Jersey 08002, and Special Master Phillip B. Caton, PP, FAICP, Clark, Caton, Hinitz, 100 Barrack Street, Trenton, NJ 08608. An Affidavit of Service shall be filed with the Court at least 10 days prior to the hearing date.
 - b. Serve a copy of this Order and attached Notice upon all "interested parties" as set forth on the attached Service List by Certified Mail/RRR and regular mail.
 - c. Publish a copy of this Order and attached Notice in a newspaper of general circulation in Monmouth County, Ocean County and Mercer County.
3. Copies of the Settlement Agreement filed with the Court shall be available for inspection during regular business hours at the Office of the Borough Clerk, Borough of Eatontown located at 47 Broad Street, Eatontown, New Jersey, 07724.
4. Any objections to the Settlement Agreement must be filed in writing together with copies of any supporting affidavits or documents on or before 2/22/19, with the Hon. Jamie S. Perri, J.S.C., Superior Court of New Jersey, Monmouth County Courthouse, Post Office Box 1266, Freehold, New Jersey 07728, with duplicate copies forwarded by mail to counsel for Fair Share Housing Center, counsel for the Borough of Eatontown and Special Master Phillip B. Caton, PP, FAICP, Clark, Caton Hintz, 100 Barrack Street, Trenton, NJ 08608

as set forth more fully in the attached Notice.

5. The Borough may submit a reply to any objections to the Court on or before 3/1/19 and shall serve a copy upon Adam Gordon, Esq, Phillip B. Caton, PP, FAICP, Special Master and the Service List.
6. The Special Master shall submit her report to the Court no later than 3/8/19.
7. The Court shall consider approval of the proposed Settlement Agreement. If approved, the Court shall schedule a Final Compliance Hearing at which time the Court will consider whether the Borough met the conditions, if any, imposed by the Court because of the Fairness and Preliminary Compliance Hearing and the Borough's request for a Final Judgment of Compliance and Repose through July 8, 2025.
8. All temporary immunities afforded to the Borough currently in place shall be extended through the date of the Final Compliance Hearing.



Hon. Jamie S. Perri, J.S.C.

**NOTICE OF FAIRNESS AND PRELIMINARY COMPLIANCE HEARING FOR
THE BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, FOR THE
BOROUGH OF EATONTOWN'S HOUSING ELEMENT AND FAIR SHARE
COMPLIANCE PLAN FOR THE AFFORDABLE HOUSING PERIOD 1987-2025
DOCKET NO. MON-L-2522-15**

PLEASE TAKE NOTICE that on March 21, 2019 at 10:00 a.m. there will be a Fairness and Preliminary Compliance Hearing (the "Hearing") held before the Honorable Jamie S. Perri, J.S.C., at the Monmouth County Courthouse, 71 Monument Park, Freehold, NJ 07728-1266 in the above-referenced affordable housing litigation. The purpose of the Hearing is two-fold. First, the Court will determine whether the terms of a Settlement Agreement (the "Settlement Agreement") between the Borough of Eatontown (the "Borough") and Intervenor the Fair Share Housing Center (the "FSHC") is fair and reasonable to low and moderate-income households. A related consideration for the Hearing is for the Court to consider whether the Borough's affordable housing strategy as set forth in the Settlement Agreement satisfies 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 and moderate income households 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), and other applicable laws.

The affordable housing strategy set forth in the Settlement Agreement fully addresses the existing components of the Borough's affordable housing obligation for the period 1987-2025. These include a Prior Round (1987-1999) obligation of 504 units, a Present Need (i.e. Rehabilitation) obligation of 112 units, and a Prospective Need Third Round (1999-2025) obligation of 382 units with the Third Round obligation subject to possible future modification. The Settlement Agreement provides a detailed list of the Borough's total affordable housing obligations; the compliance mechanisms to meet its affordable housing obligation and demonstrates the Borough's compliance with those affordable housing obligations. The full text of the Settlement Agreement is available for public inspection and/or photocopying (at requestor's expense) during normal business hours at the Borough of Eatontown' Clerk's Office located at 47 Broad Street, Eatontown, NJ 07724.

On the date of the Hearing, the Court will conduct a joint Fairness and Preliminary Compliance Hearing to determine whether the Settlement Agreement and the affordable housing strategy set forth therein are fair to low and moderate-income households and create a realistic opportunity for satisfaction of the Borough's affordable housing obligations. The Borough seeks a Judgment of Compliance and Repose formally approving the Settlement Agreement, subject to appropriate conditions, if any, that may be imposed by the Court, which Judgment of Compliance will entitle the Borough to protection for any Mount Laurel builder's remedy lawsuits for a period to be determined by the Court.

Any interested third party that seeks to appear and be heard at the Hearing on the Settlement Agreement shall have the opportunity to present any position on the Settlement Agreement and the Borough's affordable housing strategy. Written objections or comments by any interested person must be filed with the Court at the above address on or before February 22, 2019 with duplicate copies being forwarded by mail and e-mail to the attention of the following:

Andrew Bayer, Esq.
Pashman Stein Walder Hayden, PC
28 Leroy Place
Red Bank, NJ 07701
abayer@pashmanstein.com

Adam Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
kwalsh@fairsharehousing.org

Phillip B. Caton, PP, FAICP
Clark, Caton Hintz
100 Barrack Street
Trenton, NJ 08608
pcaton@cchnj.com

This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the Settlement Agreement and to inform such parties that they can 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 of the Settlement Agreement or the adequacy of the Borough's affordable housing strategy.

Pashman Stein Walder Hayden, PC
Attorneys for the Borough of Eatontown, Monmouth County, NJ