

NOTICE OF FAIRNESS HEARING  
FOR THE TOWNSHIP OF WAYNE, COUNTY OF PASSAIC (“TOWNSHIP”), REGARDING A SETTLEMENT AGREEMENT RELATED TO THE TOWNSHIP’S OBLIGATION TO PROVIDE MT. LAUREL/AFFORDABLE HOUSING TO LOW AND MODERATE HOUSEHOLDS FOR THE AFFORDABLE HOUSING PERIOD 1987-2025

Superior Court of New Jersey  
Docket No. PAS-L-2396-15

**PLEASE TAKE NOTICE** that, in accordance with the Court’s Order of December 15, 2021, on **February, 22, 2022**, beginning at 2:00 PM, or as soon thereafter as the matter may be heard, there will be a Fairness Hearing (“Hearing”) before the **Honorable Thomas F. Brogan, P.J.S.C.** at the Passaic County Courthouse, 77 Hamilton Street, 3<sup>rd</sup> Floor, Paterson, New Jersey 07505 (“Court”). The purpose of the Hearing is for the Court to consider whether the Settlement Agreement between the Township of Wayne (“Township”) and the Wayne Township Planning Board (“Planning Board”) and the Fair Share Housing Center (‘FSHC’) dated December 15, 2021 (last signature date of December 29, 2021) (“Settlement Agreement”) will fairly facilitate the production of affordable housing in order to contribute toward addressing the Township’s obligation to provide a realistic opportunity to satisfy its 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.

**PLEASE TAKE NOTICE** that due to the ongoing COVID-19 emergency, currently most Court business is being conducted ‘virtually’, rather than ‘in-person’; thus, the Fairness Hearing may not, and likely will not, be held in person at the Passaic County Courthouse. Information about courtroom closings is available at:

- <https://njcourts.gov/> and
- <https://njcourts.gov/courts/closings.html>.

In accordance with said Order of the Court, and unless changed by directive of the Court, the Fairness Hearing will be conducted ‘virtually’ using a web platform called “Zoom” or by participating by telephone. Any person who wishes to participate in the Fairness Hearing should consult <https://njcourts.gov/> for updated information. In addition, some, but not all, court matters may be available for viewing at <https://www.njcourts.gov/public/channels.html>. For the convenience of the public and because a virtual link and/or a phone number to participate in the Fairness Hearing is not currently available from the Court, such virtual (Zoom) link and/or phone number will be posted on the Township’s website (<https://www.waynetownship.com/affordable-housing-mt-laurel.html>) as soon they are made available by the Court, which usually occurs immediately prior to the Fairness Hearing. In addition, such a person may also contact the Township Clerk at (973) 694-1800 and request a copy of the virtual (Zoom) link and/or phone number.

The Settlement Agreement is between the Plaintiffs, Township and Planning Board and state-wide intervenor Fair Share Housing Center (‘FSHC’). The Settlement Agreement proposed is a component of the aforesaid Court matter and the Township’s intended Third Round Affordable Housing Plan to which is intended to fully address the Township’s affordable housing obligations for the Third Round period (1999-2025), including the Prior Rounds (1987-1999). The Settlement Agreement resolves all claims and matters as between the Township and Planning Board and FSHC.

The Settlement Agreement will be available for public inspection and/or photocopying (at requestor's expense) during regular business hours between the hours of 8:30 A.M. and 4:00 P.M. on Mondays through Fridays, excepting legal holidays and emergency closures, at the Township Clerk's office located at Township Municipal Complex, 475 Valley Road, Wayne, New Jersey 07470; the ability to appear and perform such inspection shall be subject to rules pertaining to Covid-19 safety.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreements are fair to low and moderate income households and will create a realistic opportunity toward satisfaction of the Township'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 Township's affordable housing responsibilities for the period 1987-2025.

The Township will seek a Judgment of Compliance and Repose as to said agreements formally approving those Settlement Agreements, subject to appropriate conditions, if any, that may be imposed by the Court. Any interested third party that seeks to appear and be heard at the said Hearing on the Settlement Agreements shall have the opportunity to present any position on the Settlement Agreements. Objections or comments by any interested person shall be filed, in writing along with all supporting documents, with the Court on or before **February 9, 2022**, at the above address, with duplicate copies simultaneously served, by mail and by email if shown below, to the attention of the following:

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This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the proposed Settlement Agreements and inform such parties that they are able to comment on the Settlement Agreements before the Court reviews and evaluates whether to approve the Settlement Agreements. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Settlement Agreements.

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Paul V. Margiotta, RMC, CMC, MMC  
Clerk of the Township of Wayne

Dated: \_\_\_\_\_

[Rev 2021-01-05]