

**IN THE MATTER OF THE APPLICATION OF THE
TOWNSHIP OF EVESHAM
DOCKET NO. BUR-L-452-14 (MOUNT LAUREL)**

**FAIR SHARE HOUSING CENTER, INC. V. TOWNSHIP OF
EVESHAM, ET AL
DOCKET NO. BUR-L-2419-15**

**NOTICE OF A MOUNT LAUREL COMBINED FAIRNESS AND
COMPLIANCE HEARING ON AN AMENDMENT TO THE FSHC
SETTLEMENT AGREEMENT AND ON THE HOUSING ELEMENT
AND FAIR SHARE PLAN OF THE TOWNSHIP OF EVESHAM,
COUNTY OF BURLINGTON**

PLEASE TAKE NOTICE that on February 1, 2022, beginning at 2:00 p.m., the Honorable Jeanne T. Covert, A.J.S.C., will conduct a "Fairness/Compliance Hearing" in the matters captioned: In the Matter of the Application of the Township of Evesham, Docket No. BUR-L-452-14 (Mount Laurel) and Fair Share Housing Center, Inc. v The Township of Evesham et al, Docket No. BUR- L-2419-15. The hearing will be conducted virtually via Zoom. Information about how to access the hearing is available at njcourts.gov, or by contacting the office of Robert N. Wright, Jr., Esq. at (856)424-1808 or rwright@malamutlaw.com at least 48 hours in advance of the hearing to determine how to participate.

The purpose of the combined Fairness/Compliance Hearing is for the Court to determine (1) whether an Amendment to a 2018 Settlement Agreement between Fair Share Housing Center ("FSHC") and the Township of Evesham (hereinafter "Amendment to FSHC Settlement Agreement") approved by the Township on November 23, 2021 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 of Evesham's Housing Element and Fair Share Plan (hereinafter "Affordable Housing Plan"), adopted on November 18, 2021 by the Township's Planning Board, and endorsed by the Township Council on November 23, 2021, satisfies the Township's obligation to provide a realistic opportunity to satisfy the Rehabilitation, Prior Round (1987-1999) and Gap + Prospective Need (1999-2025) components of its "fair share" of the regional need for housing affordable to low and moderate income households pursuant to (i) the Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 et seq.; (ii) applicable substantive regulations of the New Jersey Council on Affordable Housing ("COAH"), (iii) the Settlement Agreement entered into between FSHC and the Township of Evesham; and (iv) other applicable laws. Following an August 2018 duly-noticed fairness hearing, the Court previously approved a Settlement Agreement between Evesham and FSHC on August 23, 2018. At this time, the Court will also consider the fairness of the Township's amended settlement agreement with FSHC.

If the Court determines that the Township has satisfied its obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Gap + Prospective Need components of its "fair share", it will enter a Judgment of Compliance and Repose, which will give Evesham protection from all Mount Laurel lawsuits through July 1, 2025.

To facilitate this procedure, the Township has presented to the Court, and placed on file with the Township Clerk, a copy of the Affordable Housing Plan, a copy of the Amendment to the FSHC Settlement Agreement and various other related documents. These documents are available for public inspection by appointment only at the office of the Township Clerk, located at the Evesham Township Municipal Building, 984 Tuckerton Road, Evesham, New Jersey, during normal business hours. Please call (856)983-2900 to make an appointment to review in person or to request a copy to be sent

to you. Alternatively, the documents are also available online at <https://evesham-nj.org/government/forms/construction/affordable-housing> Lastly, you may contact Robert N. Wright, Jr., Esq. to request a copy of these documents be sent to you; his contact information is listed below.

The Affordable Housing Plan and additional documents on file in the Township's Municipal Building describe how the Township will address its "fair share" of the regional need for low and moderate-income housing as established pursuant to the 2018 Court-approved Settlement Agreement between the Township of Evesham and FSHC and via revised compliance efforts set forth in the proposed 2021 Amendment to the FSHC Settlement Agreement.

The various elements of the Township's Affordable Housing Plan can be summarized as follows:

The Township has the following Fair Share obligations:

- a. A Rehabilitation Obligation initially established at 94, but which, following the completion of a municipal structural conditions survey, was reduced to 15 by Court Order of June 23, 2020.
- b. A Prior Round Obligation (pursuant to N.J.A.C. 5:93) of 534.
- c. A Gap + Prospective Need Obligation (1999-2025) of 680.

All interested parties are hereby given an opportunity to appear and be heard at this Fairness/Compliance Hearing. Objections or comments by any interested party must be submitted in writing no later than noon January 21, 2022, with copies of all papers being forwarded by mail or e-mail to:

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This Notice is intended (1) to inform all interested parties of the existence of an Amendment to the FSHC Settlement Agreement and of the Affordable Housing Plan adopted by the Evesham Township Planning Board, and of documents on file that explain the specific manner in which the Township proposes to address its "fair share" of affordable housing; and (2) to explain the consequences of court approval of the Amendment to the FSHC Settlement Agreement and the Township's Affordable Housing Plan; namely, immunity from any Mount Laurel lawsuits through July 1, 2025. This Notice does not indicate any view by the Court, the Special Master, the Township, or FSHC as to whether the Court will approve the manner in which the Township proposes to satisfy its fair share.

Mary Lou Bergh, RMC
Township Clerk