

BOROUGH OF BUENA
COUNTY OF ATLANTIC
STATE OF NEW JERSEY

NOTICE OF FAIRNESS HEARING OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY (the Borough) REGARDING A SETTLEMENT AGREEMENT RELATED TO THE BOROUGH'S OBLIGATION TO PROVIDE AFFORDABLE HOUSING TO LOW AND MODERATE INCOME HOUSEHOLDS

DOCKET NO. ATL-L-1523-15

PLEASE TAKE NOTICE That on June 12, 2018, beginning at 1:00 PM, there will be a Fairness Hearing (the Hearing) before the Honorable Nelson C. Johnson, J.S.C. at the Atlantic County Civil Court Building, Superior Court of New Jersey, 1202 Bacharach Boulevard, Atlantic City, New Jersey, 08401, Chambers 3H.

The purpose of the hearing is for the Court to consider whether the terms of the settlement agreement (the Settlement Agreement) between the Borough and the Fair Share Housing Center (FSHC) will meet the Borough's obligation to provide a realistic opportunity to satisfy the Borough's rehabilitation, Prior Round and Third Round "fair share" of the regional need for housing affordable to low income 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., 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 and N.J.A.C. 5:97, 221 N.J. 1 (2015), and other applicable laws.

The Settlement Agreement fully addresses the existing components of the Borough's affordable housing obligations for the period 1987-2025, including the Borough's Present Need Obligation (or rehabilitation obligation) of sixteen (16) housing units, its prior round forty (40) housing units and its Third Round Prospective Need obligation of forty-three (43) units. The proposed Settlement Agreement provides a detailed list of the Borough's total affordable housing obligation and compliance mechanisms demonstrating 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 the hours of 9:00 AM 4:00 PM at the Borough Clerk's Office, in the Borough of Buena, Municipal Building located at 616 Central Avenue, Minotola, New Jersey 08341.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreement is fair to low and moderate households and creates a realistic opportunity for satisfaction of the Borough's affordable housing obligations. The Borough will seek an Order formally approving the Settlement Agreement, subject to appropriate conditions, if any, that may be imposed by the Court, which Order will entitle the Borough to protection from any Mount Laurel Builder's Remedy Lawsuits for a period to be determined by the Court. Any interested person may seek to appear and be heard at the June 12, 2018 hearing on the Settlement Agreement. Objections or comments by any interested person must be filed with the Court at the above address on or before May 29, 2018 with duplicate copies forwarded by mail and email to the attention of the following:

Richard P. Tonetta, Esq.
717 Elmer Street
Vineland, New Jersey 08360
E-Mail Solicitor@Buenaboro.org

Kevin Walsh, Esq.
Adam Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002-3318
E-Mail adamgordon@fairsharehousing.org
Kevinwalsh@fairsharehousing.org

This Notice is provided pursuant to the directive of the Court and is intended to inform interested parties of the proposed Settlement Agreement and inform such parties that they are able to 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, reasonableness or adequacy of the Settlement Agreement or whether the Court will approve the Settlement Agreement.

Printer Fee:

Pub Date