

BOROUGH OF CLOSTER

NOTICE OF FINAL COMPLIANCE HEARING FOR THE BOROUGH OF CLOSTER, COUNTY OF BERGEN (“BOROUGH”) REGARDING THE BOROUGH’S HOUSING ELEMENT AND FAIR SHARE PLAN RELATED TO THE BOROUGH’S HOUSING OBLIGATION TO PROVIDE AFFORDABLE HOUSING TO LOW AND MODERATE INCOME HOUSEHOLDS

DOCKET NO. BER-L-6372-15

PLEASE TAKE NOTICE that on February 13, 2019, beginning at 9:00 a.m. or as soon thereafter as counsel may be heard, there will be a Final Compliance Hearing (the “Hearing”) before The Honorable Christine A. Farrington, J.S.C. at the Bergen County Courthouse, 10 Main Street, Hackensack, New Jersey, Court Room 323.

The purpose of the hearing is for the Court to consider the entry of a Final Judgment of Compliance in favor of the Borough, based on the Housing Element and Fair Share Plan and Ordinances which have been adopted in accordance with the Conditional Order of Compliance of July 24, 2018 and Settlement Agreement entered into in this matter. The Court will determine whether the Settlement Agreement, Affordable Housing Plan and updated Spending Plan are fair to low and moderate income households and whether the actions taken by the Borough create a realistic opportunity for satisfaction of the Borough’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.

The Borough seeks a Judgment of Compliance and Repeal formally approving the Affordable Housing Plan and Updated Spending Plan, subject to appropriate conditions, if any, that may be imposed by the Court, which Judgment of Compliance will entitle the Borough to protection from any Mount Laurel Builder’s Remedy Lawsuit up and through 2025.

The Court will consider whether the Affordable Housing Plan fully addresses the existing components of the Borough’s Affordable Housing obligation for the period 1987 through 2025. These include the Borough’s present need of zero housing units; prior round obligation for the period of 1987 through 1999 of 110 housing units; realistic development potential, as adjusted, of 45 units, and its unmet need of 350 units. The Affordable Housing Plan provides a detail list of the Borough’s total affordable housing obligations, all compliance mechanisms and demonstrate the Borough’s compliance with those affordable housing obligations, which include amendments to the Borough’s housing ordinance to include revisions and adoptions of inclusionary zoning and rezoning of properties, and construction of 35 affordable housing units on property acquired by the Borough.

The Court will also review the Borough’s Spending Plan to determine whether the Spending Plan meets all legal requirements and is entitled to final approval.

The Settlement Agreement and Conditional Order of Compliance for the period of 1987 through 2025 outlines a detailed list of Borough’s Affordable Housing obligation and compliance mechanisms demonstrating the Borough’s compliance with these affordable housing obligation. The full text of the Settlement Agreement, and Conditional Order of Compliance is available for public inspection and/or photocopying (at the requestor’s expense) during the hours of 8:30 a.m. to 4:30 p.m. at the Borough Clerk’s Office located at 295 Closter Dock Road, Closter, New Jersey and is posted on the Borough’s website at www.closterboro.com

On the date of the Final Compliance Hearing, the Court will determine whether the Borough has complied with all requirements set forth in the Conditional Order of Compliance and Settlement Agreement in order to satisfy the Borough's Affordable Housing's obligations. The Borough will seek a Final Judgment of Compliance and Repose, 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 lawsuit through 2025.

Any interested person may seek to appear and be heard at the February 13, 2019 Hearing and shall have the opportunity to present any position regarding the Borough's compliance. Objections or comments by any interested person must be filed with the Court at the above address on or before January 31, 2019, with duplicate copies forwarded by mail and e-mail 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 Final Compliance Hearing and that they are able to comment on said Compliance before the Court. This Notice does not indicate any view by the Court as to the Borough's compliance or whether the Court will grant a Final Judgment of Compliance and Repose.

Loretta Castano, Borough Clerk
Borough of Closter