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| *Attorneys for Plaintiff Colts Neck Township* |  |
| In the Matter of the Declaratory Judgment Actions Filed In the County of Monmouth, State of New Jersey, Pursuant to In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) | SUPERIOR COURT OF NEW JERSEY  Law division: MONMOUTH COUNTY  DOCKET NO. MON-L-2234-15  Civil Action  (Mount Laurel)  case management order regarding scheduling of FINAL compliAnce hearing and providing for service of notice for FINAL compliance hearing |

**THIS MATTER** having been opened to the Court by Ronald L. Israel, Esq. and Thomas J. Trautner, Esq., attorneys for petitioner Township of Colts Neck (“Colts Neck” or the “Township”), for the scheduling of a Final Compliance Hearing (the “Compliance Hearing”) to have the Court determine whether the Township’s draft Amended Housing Element and Fair Share Plan, draft Spending Plan, implementing ordinance(s) and resolutions and related documents (hereinafter collectively referred to as the “Affordable Housing Plan”) creates a realistic opportunity for the satisfaction of the Township’s fair share of housing that is affordable to the region’s very low, low and moderate-income households; and for the issuance of a Final Judgment of Compliance and Repose; and the Court having considered the proposed form of Notice attached hereto and for good cause appearing;

IT IS on this 30 day of June, 2022, **ORDERED** as follows:

**ORDERED:**

1. The Final Compliance Hearing shall be held before the Hon. Linda Grasso Jones, J.S.C., on October 11, 2022 at 9:00 a.m., to be continued through October 13, 2022, as needed, at the Monmouth County Courthouse, 71 Monument Park, Freehold, New Jersey, to consider whether the Township of Colts Neck’s Housing Element and Fair Share Plan satisfies its affordable housing responsibilities under applicable law and entitles the Township to a Judgement of Compliance and Repose providing the Township and its Planning Board immunity from all Mount Laurel lawsuits other than those brought to enforce the Court’s Orders through July 1, 2025 (the “Declaratory Judgement Relief”).
2. If the Courthouse is not open to the public, the Compliance Hearing may be held via videoconference and broadcast on the New Jersey Court’s website (https://njcourts.gov/public/channels.html). If the Compliance Hearing is to be held in this manner, instructions on how to watch and participate in the Compliance Hearing will be posted on the Township’s Website (www.colts-neck.nj.us).
3. On or before August 12, 2022, the attached Notice shall be posted on the door of Colts Neck’s municipal building located at 124 Cedar Drive, Colts Neck, New Jersey 07722 so to advise any members of the public that wish to inspect copies of the Township of Colts Neck’s Affordable Housing Plan and any documents relating to the relief being sought by Colts Neck that they may do so at the Office of the Township Clerk and that copies of the Township’s Affordable Housing Plan are electronically accessible for inspection from the Township’s Website (www.colts-neck.nj.us).
4. On or before August 12, 2022, counsel for the Township of Colts Neck shall cause to be delivered to a newspaper of general circulation in Monmouth County, Ocean County and Mercer County a copy of this Order and attached Notice for publication in such newspaper.
5. On or before August 12, 2022:
   1. a copy of this Order and attached Notice shall be posted on the Township’s Website (www.colts-neck.nj.us); and
   2. a copy of this Order and the attached Notice shall be caused to be served upon all “interested parties” as set forth on the attached Service List by Certified Mail/RRR and regular mail.
6. In connection with the Compliance Hearing, on or before June 15, 2022, Colts Neck must provide a written submission to the Court setting forth why it believes it is entitled to the Declaratory Judgment Relief.
7. Any objections to the Declaratory Judgment Relief being sought by Colts Neck must be filed by eCourts, if represented by counsel, and in writing together with copies of any supporting affidavits, reports, expert reports or documents on or before August 15, 2022 with the Honorable Linda Grasso Jones, J.S.C., Superior Court of New Jersey, Monmouth County Courthouse, 71 Monument Park, 2nd Floor, P.O. Box 1266, Freehold, New Jersey 07728 with duplicate copies of any written objections or comments to be forwarded by regular mail and electronic mail to the following persons:

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1. Responses to received and filed objections must be filed by Colts Neck via eCourts with and in writing to the Court on or before September 13, 2022.
2. Comments/objections/letters of support from individuals or entities who are not participants in this matter must be filed by September 6, 2022.
3. Colts Neck may submit a reply to the comments/objections/letters of support by September 13, 2022, but shall not use this second opportunity to respond to the submissions by the MRRSA and its constituent municipalities, which are due as set forth in Paragraph 8.
4. Consultant Engineer Mark Kataryniak shall submit a report to Special Master Frank Banisch, the Court and all counsel on or before September 20, 2022.
5. Special Master Frank Banisch shall submit a report to the Court, all counsel and Consultant Engineer Mark Kataryniak on or before September 30, 2022.
6. The Court shall consider approval of the Declaratory Judgment Relief being sought by Colts Neck at the Compliance Hearing. If approved, the Court shall endorse the Township’s adoption of its Amended Housing Element and Fair Share Plan and grant the Township’s application for a Final Judgment of Compliance and Repose through July 1, 2025.
7. Immunity from builder’s remedy lawsuits is continued through the date of the Compliance Hearing.

Hon. LINDA GRASSO JONES, J.S.c.

**NOTICE OF FINAL COMPLIANCE HEARING FOR THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, AND TO APPROVE FINAL COMPLIANCE OF COLTS NECK’S AFFORDABLE HOUSING OBLIGATIONS UNDER MOUNT LAUREL FOR THE PERIOD 1987-2025**

**Docket No. MON-L-2234-15**

**PLEASE TAKE NOTICE** that on October 11, 2022 beginning at 9:00 a.m., to be continued through October 13, 2022, as needed, a Final Compliance Hearing (the “**Hearing**”) will be conducted before the Honorable Linda Grasso Jones, J.S.C. at the Monmouth County Courthouse, 71 Monument Park, 2nd Floor, Freehold, New Jersey 07728. If the Courthouse is not open to the public, the Hearing may be held via videoconference and broadcast on the New Jersey Court’s website (https://njcourts.gov/public/channels.html). If the Hearing is to be held in this manner, instructions on how to watch and participate in the Hearing will be posted on the Township’s Website (www.colts-neck.nj.us) and may be obtained by contacting Thomas J. Trautner, Esq., counsel for the Township of Colts Neck:

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The purpose of the Hearing is for the Court to consider the entry of a Final Judgment of Compliance and Repose in favor of the Township, subject to appropriate conditions, if any that may be imposed by the Court, based on the Township’s draft Amended Housing Element and Fair Share Plan, draft Spending Plan, implementing ordinance(s) and resolutions and related documents (hereinafter collectively referred to as the “Affordable Housing Plan”) which have been submitted to the Court. Entry of a Final Judgment of Compliance and Repose would declare the Township to be in compliance with its obligation to create a realistic opportunity for the satisfaction of its fair share of housing that is affordable to the region’s very low, low and moderate-income household, which includes the Township’s Rehabilitation, Prior Round and Third Round Prospective Need obligations based upon the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq., and other applicable laws. The Township’s draft Amended Housing Element and Fair Share Plan and related documents reflect, among other things, that the Township seeks a durational adjustment pursuant to N.J.A.C. 5:93-4.3. If granted, the Court may impose the conditions it deems appropriate. If the Court determines that the Township’s Affordable Housing Plan continues to create a realistic opportunity for the satisfaction of the Township’s fair share of housing that is affordable to the region’s very low, low and moderate-income households, it will enter a Final Judgment of Compliance and Repose that would bar through July 1, 2025 any claim that the Township is failing to provide a sufficient realistic housing opportunity for the creation of housing for very low, low and moderate income households, which will among other things, provide the Township legal protection (repose) from all Mount Laurel exclusionary zoning lawsuits through July 1, 2025 (the “Declaratory Judgment Relief”).

The Township of Colts Neck’s Housing Element and Fair Share Plan and any documents relating to the Declaratory Judgment Relief being sought is available for public inspection and/or photocopying (at the requestor’s expense) during normal business hours at the Township Clerk’s office located at 124 Cedar Drive, Colts Neck, New Jersey 07722 and is electronically accessible for inspection from the Township’s Website (www.colts-neck.nj.us).

The Township’s Affordable Housing Plan sets forth, among other things, that:

* The Township’s Rehabilitation Share is 25.
* The Township’s Prior Round Obligation is 218.
* The Township’s Third Round Prospective Need Obligation (which includes the Gap Period Present Need) is 306.
* The Township’s efforts to meet its Present Need include the Township participating in the Monmouth County rehabilitation program in accordance with applicable law.
* The Township will address its Prior Round Obligation of 218 as follows:
  + 107 credits from its Regional Contribution Agreement with the City of Long Branch that was approved by the Council on Affordable Housing in June 2006;
  + 110 credits from the constructed and occupied The Grande project which is located at Block 41.01 and Block 41.02; and
  + 1 credit from the constructed and occupied Amboy Road Associates project which is located at Block 39, Lot 11.01.
* The Township will address its Third Round Prospective Need of 306 as follows:
  + 2 credits from the Mauro/706/Cross Street family for sale project located at Block 10, Lots 2 and 2.01, and Block 31.1, Lot 6;
  + 144 credits from the Colts Neck Building Associates, Inc. family rental project located at Block 22, Lot 18;
  + 15 credits from the Countryside Developers family rental project located at Block 42, Lot 4 and Block 172, Lot 15;
  + 7 credits from the Reflections at Colts Neck assisted living facility located at Block 46, Lot 17.04; and
  + A durational adjustment pursuant to N.J.A.C. 5:93-4.3 whereby Colts Neck agrees to (a) reserve and set aside new sewer capacity, when it becomes available, for low and moderate income housing on a priority basis, (b) endorse all applications to the NJDEP or its agent to provide sewer capacity, and (c) amend its housing element and fair share housing ordinance to permit development where the NJDEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low and moderate income housing.

Any interested party that seeks to appear to be heard at the hearing shall have the opportunity to present any position on Colts Neck’s request for the Declaratory Judgment Relief being sought. Written objections or comments by any interested party must be filed with the Court at the following address: Honorable Linda Grasso Jones, J.S.C., Monmouth County Courthouse, 71 Monument Park, 2nd Floor, P.O. Box 1266, Freehold, New Jersey 07728 on or before September 6, 2022 (by eCourts, if represented by counsel) with duplicate copies of any written objections or comments to be forwarded by regular mail and electronic mail to the following persons:

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This Notice is provided pursuant to an Order of the Court and is intended to inform interested parties of the Hearing prior to the Court reviewing the Township’s Affordable Housing Plan and to inform such interested parties that they are able to comment on Colts Neck’s request for the Declaratory Judgment Relief being sought before the Court reviews and evaluates whether to approve Colts Neck’s request. This Notice does not indicate any view by the Court as to the fairness of the Township’s request, the adequacy of the Township’s Affordable Housing Plan or whether the Court will grant the declaratory relief, including the Final Judgment of Compliance and Repose being sought by Colts Neck.

**CHIESA SHAHINIAN & GIANTOMASI PC**

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Counsel for the Township of Colts Neck