

Fair Share Housing Center

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**In the Matter of the Application
of the Township of Harrison,
County of Gloucester.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Gloucester County
Docket No. GLO-L-908-15

**CIVIL ACTION
(Mount Laurel)**

**Case Management Order
Scheduling Amended
Fairness Hearing
on December 20, 2021
Settlement Agreement Between
Harrison and FSHC**

THIS MATTER having come before the Court via the joint request of the Township of Harrison, via counsel Kevin A. Van Hise, Esq. (of Mason, Griffin & Pierson, PC), as well as Fair Share Housing Center, via counsel Bassam F. Gergi, Esq. (on behalf of Fair Share Housing Center); and with the recommendation of approval of Christine A. Cofone, P.P., A.I.C.P., Court-appointed Special Master; and

WHEREAS, the Township of Harrison and Fair Share Housing Center having entered into a December 20, 2021 Settlement Agreement that, if approved, will supersede the November 14, 2019 Settlement Agreement previously reviewed and approved by the Court following a

duly-noticed fairness hearing; and

WHEREAS, the Township of Harrison and Fair Share Housing Center having requested that the Court schedule an amended fairness hearing to review and consider approval of the December 20, 2021 Settlement Agreement; and

WHEREAS, if said December 20, 2021 Settlement Agreement is approved there needing to be a period for the Township of Harrison to comply with its terms and adopt an Amended Housing Element and Fair Share Plan and implementing ordinances; and incorporating the Court's prior orders and for good cause shown:

IT IS on this 11th day of JANUARY, 2022

ORDERED as follows:

1. The Township of Harrison shall deliver to the Court, by uploading on eCourts, a copy of the fully executed December 20, 2021 Settlement Agreement on or before **January 14, 2022**. The Township of Harrison shall also post a copy of the fully executed global settlement with Fair Share Housing Center on the municipal website.

2. A fairness hearing is hereby scheduled for **March 11, 2022, at 9:00 a.m. ~~xxx~~**, to determine whether the December 20, 2021 Settlement Agreement is fair to the protected very-low-, low-, and moderate-income class in accordance with Morris Cnty. Fair Hous. Council v. Boonton Twp., 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. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

3. The fairness hearing shall be held virtually via the Zoom platform, with the details to be provided by the Court. In any notice published by the Township of Harrison, it shall inform the public where the Zoom details will be posted prior to the fairness hearing for access.

4. The Township of Harrison shall publish notice of the fairness hearing and shall deliver actual notice to the official case service list at least **40 days** prior to the scheduled Fairness Hearing.

5. Objections, if any, to the fairness of the settlement must be filed with the Court and submitted to the Special Master, Harrison, FSHC, and any other parties in the declaratory judgment action at least **14 days** prior to the scheduled Fairness Hearing. These written objections must include any arguments, expert reports, and exhibits to be relied upon at the fairness hearing.

6. Replies, if any, to the objections must be filed with the Court and submitted to the Special Master, Harrison, FSHC, and any other parties in the declaratory judgment action at least **7 days** prior to the scheduled Fairness Hearing.

7. The Special Master shall submit a report to the Court and parties as to her recommendation as to the fairness of

the global settlement to very-low-, low-, and moderate-income households at least **4 days** prior to the scheduled Fairness Hearing.

8. If the December 20, 2021 Settlement Agreement is approved at the Fairness Hearing, a final compliance hearing shall be scheduled for **May 20, 2022, at 9:00 a.m. XXXX**, to determine if a final judgment of compliance should be entered.

9. By **March 21, 2022**, the Township of Harrison shall provide the Special Master and FSHC with a copy of the compliance documents to be relied upon at the final compliance hearing. These documents shall include but not be limited to:

- a. The Township of Harrison's amended Housing Element and Fair Share Plan with crediting documentation appended.
- b. The Township of Harrison's amended spending plan and intent to fund shortfall resolution.
- c. The Township of Harrison's affirmative marketing plan, affordable housing ordinance, development fee ordinance, resolution appointing a municipal housing liaison, and resolution retaining an experienced administrative agent.
- d. The rezoning ordinance for the Visalli Tract (Block 45, Lot 16).
- e. Executed developer's agreement, rezoning ordinance, construction schedule, and pro forma for the proposed 100% affordable senior development to be pursued by Ron Rukenstein Associates at Block 52, Lots 8 and 9.
- f. Executed developer's agreement, rezoning ordinance, construction schedule, and pro forma for the proposed 100% affordable family/special needs development to be pursued by Project Freedom at Block 2, Lot 1.
- g. Executed agreement with MOTUS to extend sewer/water infrastructure to the proposed 100% affordable family/special needs development to be pursued by Project Freedom at Block 2, Lot 1.

- h. Executed developer's agreement, rezoning ordinance, construction schedule, and pro forma for the proposed 100% affordable special needs development to be pursued by Acenda at Block 38, Lot 6.
- i. Recorded deed restriction limiting occupancy of eighteen (18) units at Mullica West Apartments to households at or below eighty percent (80%) of area median income adjusted for household size.
- j. Documentation from the relevant utilities authority and water franchisor confirming that there is adequate sewer/water infrastructure and capacity for each affordable housing project.

10. A party's failure to comply with the terms of this Order may result in the imposition of sanctions and other relief, including revocation of immunity from exclusionary zoning lawsuits, an award of counsel or expert fees, or such other sanctions as the Court deems appropriate.

11. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

/s/ Timothy W. Chell, P.J.Cv.
Hon. Timothy W. Chell, P.J.Cv.