

**NOTICE OF FAIRNESS HEARING FOR THE BOROUGH OF CAPE MAY POINT, COUNTY OF CAPE MAY ("BOROUGH") REGARDING A SETTLEMENT AGREEMENT RELATED TO THE BOROUGH'S OBLIGATION TO PROVIDE AFFORDABLE HOUSING FOR LOW AND MODERATE INCOME HOUSEHOLDS**

Docket No.: L-292-15

**PLEASE TAKE NOTICE** that on March 15, 2018 at 11:00 a.m. there will be a Fairness Hearing ("the Hearing") before the Honorable Nelson C. Johnson at the Atlantic County Courthouse, 1201 Bacharach Boulevard, Atlantic City, New Jersey. The purpose of the Hearing is for the Court to consider whether the terms of a Settlement Agreement between the Borough and 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 *Mt. Laurel* case 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 zero (0) housing units, its Prior Round obligation of 34 housing units and its Third Round new construction obligation of 36 units. The proposed Settlement Agreement provides a detailed list of the Borough's total affordable 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 photocopy (at requester's expense) during the hours of 9:00 a.m. to 12:00 p.m. at the Borough Clerk's Office located at 215 Lighthouse Avenue, Cape May Point and is also posted at the Borough's website at [www.capemaypoint.org](http://www.capemaypoint.org).

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 a Judgment of Compliance and Repose formally approving the Settlement Agreement, 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 *Mt. Laurel* builders remedy lawsuits for a period to be determined by the Court.

Any interested persons may seek to appear and be heard at the March 15, 2018 hearing and shall have the opportunity to present any position on the Settlement Agreement. Objections or comments by any interested persons must be filed with the Court at the above address on or before March 2, 2018, duplicate copies forwarded by mail

and emailed to the following: Brock D. Russell, 706 North High Street, PO Box 290, Millville, NJ 08332, [diamondlawgirl@aol.com](mailto:diamondlawgirl@aol.com); Kevin Walsh, Esquire, Fair Share Housing Center, 510 Park Boulevard, Cherry Hill, NJ 08002, [kevinwalsh@fairsharehousing.org](mailto:kevinwalsh@fairsharehousing.org); Adam M. Gordon, Esquire, Fair Share Housing Center, 510 Park Boulevard, Cherry Hill, NJ 08002, [adamgordon@fairsharehousing.org](mailto:adamgordon@fairsharehousing.org); and to Elizabeth McManus, LEED AP, PP, AICP, Board Planner, Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ 08608, [bmcmamus@cchnj.com](mailto:bmcmamus@cchnj.com).

This Notice is provided pursuant to the directive of the Court and is intended to inform interested parties of the proposed Settlement Agreement and to 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 of the Court as to the fairness, reasonableness or adequacy of the Settlement Agreement or whether the Court will approve the Settlement Agreement.

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ELAINE WALLACE, Clerk  
Borough of Cape May Point