

**NOTICE OF FAIRNESS AND PRELIMINARY COMPLIANCE HEARING FOR
THE BOROUGH OF SEA GIRT, COUNTY OF MONMOUTH, FOR THE
BOROUGH OF SEA GIRT'S HOUSING ELEMENT AND FAIR SHARE
COMPLIANCE PLAN FOR THE AFFORDABLE HOUSING PERIOD 1987-2025
DOCKET NO. MON-L-2312-20**

PLEASE TAKE NOTICE that on July 25, 2023 at 9:00 a.m. there will be a Fairness and Preliminary Compliance Hearing (the "Hearing") held before the Honorable Linda Grasso Jones, J.S.C., at the Monmouth County Courthouse, 71 Monument Park, Freehold, NJ 07728-1266 in the above-referenced affordable housing litigation. The purpose of the Hearing is two-fold. First, the Court will determine whether the terms of a Settlement Agreement (the "Settlement Agreement") between the Borough of Sea Girt (the "Borough") and Intervenor the Fair Share Housing Center (the "FSHC") is fair and reasonable to low and moderate-income households. A related consideration for the Hearing is for the Court to consider whether the Borough's affordable housing strategy as set forth in the Settlement Agreement satisfies the Borough's obligation to provide a realistic opportunity to satisfy its Prior Round Prospective Need Obligation and Third Round Prospective Need Obligation of the regional need for housing affordable to low 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.) and the applicable procedural and substantive regulations of COAH and the Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C.5:97, 221 N.J. 1 (2015), and other applicable laws.

The affordable housing strategy set forth in the Settlement Agreement fully addresses the existing components of the Borough's affordable housing obligation for the period 1987-2025. These include a Prior Round (1987-1999) obligation of 115 units, and a Third Round Prospective Need obligation, including gap present need (1999-2025) obligation of 171 units for a cumulative new construction fair share obligation of 286 units. The Settlement Agreement further provides that the Borough is entitled to a Vacant Land Adjustment pursuant to N.J.A.C. 5:93-4.2 thereby leaving a Realistic Development Potential of 5 units resulting in a Prior Round and Third Round unmet need of 281 units. The Settlement Agreement provides a detailed list of the Borough's total affordable housing obligations; the compliance mechanisms to meet its affordable housing obligation and demonstrates 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 normal business hours at the Borough of Sea Girt's Clerk's Office located at 321 Baltimore Blvd, Sea Girt, NJ, 08750 and is also available on the Borough's website.

On the date of the Hearing, the Court will conduct a joint Fairness and Preliminary Compliance Hearing to determine whether the Settlement Agreement and the affordable housing strategy set forth therein is fair to low and moderate-income households and create a realistic opportunity for satisfaction of the Borough's affordable housing obligations. This Notice is intended to inform all interested parties of the existence of the proposed Settlement Agreement and the possible consequences of the Court approving the Settlement Agreement which may include the Borough ultimately obtaining a Judgment of

Compliance and Repose or the judicial equivalent of a grant of Substantive Certification pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:2D-301, et. seq., said Judgment of Compliance will entitle the Borough to protection for any Mount Laurel builder's remedy lawsuits for a period to be determined by the Court.

Any interested third party that seeks to appear and be heard at the Hearing on the Settlement Agreement shall have the opportunity to present any position on the Settlement Agreement and the Borough's affordable housing strategy. Written objections or comments by any interested person should include (1) a clear and complete statement as to each aspect of the Settlement Agreement contested by the interested party; (2) an explanation of the basis for each objection; (3) copies of any and all expert reports, studies or other data relied upon by the interest party; (4) proposed modifications, changes, or other measures which the interested party contends would resolve the dispute with the Borough; and (5) an explanation of how the interested party's objections are consistent with applicable law including the Fair Housing Act. Written objections must be filed with the Court at the above address on or before July 5, 2025 with duplicate copies being forwarded to the Hon. Linda Grasso Jones, J.S.C. at the same address and with additional copies 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 Settlement Agreement and to inform such parties that they may 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 of the Settlement Agreement or the adequacy of the Borough's affordable housing strategy.

Pashman Stein Walder Hayden, PC

Attorneys for the Borough of Sea Girt, Monmouth County, NJ