

DONALD J. SEARS, ESQ.

Township of South Brunswick

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**In re Declaratory Judgment Actions
Filed by Various Municipalities, County
of Ocean, Pursuant to the Supreme
Court's Decision in In Re Adoption of
N.J.A.C. 5:96, 221 N.J. 1 (2015)**

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

Docket No.: A-003323-15T1

CIVIL ACTION

CERTIFICATION OF
DONALD J. SEARS

I, Donald J. Sears, of full age, do hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey, employed as the Director of Law for the Township of South Brunswick (Township), the attorney for Amicus Curiae in the above-captioned matter, and have personal knowledge of the facts set forth in this certification.

2. This certification is made in support of the Township's Brief as Amicus Curiae, in the above-captioned matter.

3. The Township received first round substantive certification from the Council on Affordable Housing (COAH) on August 3, 1987.

4. The Township received second round substantive certification from COAH on February 4, 1998, which was extended by COAH on January 7, 2004.

5. The Township petitioned for third round substantive certification on December 16, 2005 under COAH's original third round rules and subsequently filed an amended third round petition for substantive certification on December 31, 2008.

6. On July 1, 2015, the Township filed a Declaratory Judgment Action in Middlesex County in compliance with the Supreme Court's direction in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).

7. The Township's Declaratory Judgment Action proceeded to trial on May 2, 2016, which encompasses a determination of the Township's affordable housing obligations for the

Prior Round (1987-1999), Gap Period (1999-2015), Present (2015) and Prospective (2015-2025) periods.

8. The temporary immunity from builder's remedy claims previously granted by the trial court on July 31, 2015, dissolved at the commencement of the trial.

9. Trial has continued on May 3, 4, 5, 9, 10 and 11, and will resume on May 24, 2016.

10. I hereby certify that the following copies of documents attached to the Brief and designated as pages in the Appendix are true copies of documents maintained in the files of the Township of South Brunswick:

Order dated July 31, 2015, from the Middlesex County trial court granting temporary immunity	SBa 1-2
Prospective Need Calculations by Municipality, 1999-2025 (prepared by FSHC, July 2015)(excerpt)	SBa 3
Cumulative Prospective Need by Municipality, 1999-2025 (prepared by FSHC, April 2016)(excerpt)	SBa 4
Draft preliminary Third Round plan summary for South Brunswick dated February 18, 2016	SBa 5-7
Order dated March 9, 2016, from the Middlesex County trial court dissolving immunity	SBa 8-10
Omnibus Order #5 – Case Management dated April 29, 2015, from the Monmouth County trial court	SBa 11-17
Order dated May 10, 2015, from the Mercer County trial court holding proceedings in abeyance	SBa 18-19
Letter dated April 20, 2016, to the Middlesex County trial court requesting stay of trial pending outcome of Gap issue	SBa 20-21
Order dated April 20, 2016, from the Middlesex County trial court denying request for stay of trial	SBa 22-23
Order dated April 21, 2016, from the Appellate Division denying emergent request for stay of trial	SBa 24
Third Round (1999-2025) Fair Share Low and Moderate Income Housing Obligation Calculation Summary, Township of South Brunswick, dated April 2016	SBa 25

Legislative History Checklist for N.J.S.A. 52:27D-307

SBa 26-33

Letter dated December 13, 1999 from COAH to Cherry
Hill Township

SBa 34-37

11. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/Donald J. Sears

Dated: May 23, 2016

By: _____
Donald J. Sears