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Township of South Brunswick
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FILED & RECEIVED #1
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CIVIL OFFICE
MIDDLESEX VICINAGE

Attorney for Declaratory Plaintiff,
Township of South Brunswick

<p>IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF SOUTH BRUNSWICK FOR A JUDGMENT OF COMPLIANCE AND REPOSE AND TEMPORARY IMMUNITY FROM <u>MOUNT LAUREL</u> LAWSUITS</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX COUNTY</p> <p>DOCKET NO.:</p> <p>CIVIL ACTION – <i>MOUNT LAUREL</i></p> <p>CERTIFICATION OF LISA WARD, IN SUPPORT OF DECLARATORY JUDGMENT ACTION AND MOTION FOR TEMPORARY IMMUNITY FROM <u>MOUNT LAUREL LAWSUITS</u></p>
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Lisa Ward, of full age, hereby certifies as follows:

1. I am a Legal Assistant employed by the Township of South Brunswick. As such, I have full knowledge of all of the facts and circumstances surrounding this matter.
2. The original and one (1) copy of the Declaratory Judgment Complaint, Case Information Statement, Motion for Temporary Immunity, Brief and Appendix, Certifications in Support Thereof and Proposed Form of Order, on behalf of the Declaratory Plaintiff Township of South Brunswick were filed with the Middlesex County Clerk, Law Division, Middlesex County Court House, P.O. Box 964, New Brunswick, NJ 08901-0964, via hand delivery on this date.
3. A copy of same was served upon the Honorable Douglas K. Wolfson, J.S.C., Superior Court of New Jersey, Middlesex County Courthouse, 56 Paterson Street, P.O. Box 964, New Brunswick, NJ 08903-0964 via hand delivery on this date.
4. Consistent with In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. (2015) (“In re COAH”), I am notifying all those on the attached Service List by sending the attached form of notice to each one via regular mail on this date.

5. The Township is also publishing notice of its actions in The Home News Tribune, a newspaper of regional circulation.

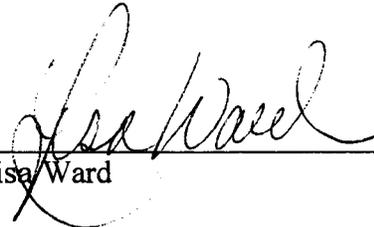
6. I am also posting a copy of these same court filings on the Township's website at www.sbtnj.net on this date.

7. 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.

Dated: July 1, 2015

By: _____

Lisa Ward

A handwritten signature in cursive script, appearing to read "Lisa Ward", is written over a horizontal line. The signature is written in black ink and is positioned to the right of the "By:" label.

Township of South Brunswick Declaratory Judgment Action Interested Parties Service List

NJ Builders Association 200 American Metro Blvd, Suite 123 Hamilton, NJ 08619	Stephen E. Barcan, Esq. Wilentz, Goldman & Spitzer, PA 90 Woodbridge Center Drive Suite 900, Box 10 Woodbridge, NJ 07095-0958	Robin J. Bynoe Enable, Inc. 13 Roszel Rd, Suite B110 Princeton, NJ 08540
Ronald Shimanowitz, Esq. Hutt and Shimanowitz 459 Amboy Avenue P.O. Box 648 Woodbridge, NJ 07095	Jacqui Adam, Housing Coordinator Allies, Inc. 1262 Whitehorse-Hamilton Square Road Bldg A, Ste 101 Hamilton, NJ 08690	Elliot D. Harris, Esq. Legal Services of NJ 100 Metroplex Dr @ Plainfield Ave P.O. Box 1357 Edison, NJ 08818-1357
Brendan McBride, Vice President RPM Development Group 77 Park Street Montclair, NJ 07042 brendanmcb@gmail.com	Mirah Becker Middlesex County Dept of Planning 40 Livingston Avenue New Brunswick, NJ 08901	Eileen O'Donnell Executive Director Coming Home of Middlesex County Inc. 75 Bayard Street, 5th Floor New Brunswick, NJ 08901
Kenneth D. McPherson, Jr., Esq. Waters, McPherson, McNeill 300 Lighting Way P.O. Box 1560 Secaucus, NJ 07096 kmi@lawwmm.com	Kenneth T. Bills, Esq. Greenbaum, Rowe, Smith and Davis LLP Metro Corporate Campus One P.O. Box 5600 Woodbridge, NJ 07095-0988	Elizabeth C. McKenzie, PP, AICP 9 Main Street Flemington, NJ 08822
South Brunswick Center, LLC 90 Woodbridge Center Drive Woodbridge, NJ 07095	David Fisher, PP, AICP VP – Governmental Affairs K. Hovnanian Homes 110 Fieldcrest Ave, Ste 50 Edison, NJ 08837	Krystal O'Dell President & CEO Allies Inc. Madison Corp. Ctr. Bldg A, Suite 101 1262 Whitehorse-Hamilton Square Road Hamilton, NJ 08690
Henry L. Kent-Smith, Esq. Fox Rothschild LLP 997 Lenox Drive, Bldg 3 Lawrenceville, NJ 08648-2311	Karl Hartkopf, PP, AICP Director of Planning State of NJ Office for Planning Advocacy Smart Growth/State Planning PO Box 204, 225 W State St, 3 rd Floor Trenton, NJ 08625-0204	Elizabeth Semple NJ Dept of Environmental Protection P.O. Box 402 Trenton, NJ 08625
Russell H. Richardson, PE, RA Richardson Fresh Ponds, LLC 15 Smith Bridge Road P.O. Box 546 Chester Heights, PA 19017	Paul Kress Director of Real Estate Development Volunteers of America 1550 Duke St Alexandria, VA 22314	Tom Toronto, President Bergen County's United Way 6 Forest Ave, Suite 210 Paramus, NJ 07652
Ridge Road Properties, LLC 29 Greenbrier Lane Greenwich, CT 06831	Harold and Frederick Menowitz 91-31 Queens Blvd Elmhurst, NJ 11373	John Vogel Development Director Avalon Bay Communities Inc. 517 Route 1 S, Suite 5500 Iselin, NJ 08830
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Township of South Brunswick Declaratory Judgment Action Interested Parties Service List

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Camel Creek Inc., Hyde Park Developers
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Township of South Brunswick Declaratory Judgment Action Interested Parties Service List

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Traditional Developers, LLC
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Manalapan, NJ 07726
John J. Ploskonka, Member

Puerto Rican Action Board
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New Brunswick, NJ 08901
info@prab.org

Dottie's House and Homes Now, Inc.
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Brick Township, NJ 08724
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Women Aware
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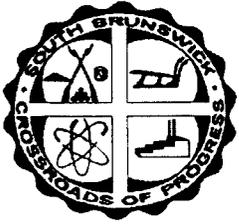
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Linda King, Administrator

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Southridge Woods
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Sean Thompson, Acting Director
NJ Council on Affordable Housing
NJ Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800



TOWNSHIP OF SOUTH BRUNSWICK

Municipal Building • P.O. Box 190 • Monmouth Junction, NJ 08852-0190

Phone 732-329-4000 X7311 Fax 732-329-9026

July 1, 2015

To All Interested Parties on the attached Service List:

In accordance with the decision of the N.J. Supreme Court 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), please be advised that the Township of South Brunswick has filed a declaratory judgment action entitled In the Matter of the Application of the Township of South Brunswick for a Judgment of Compliance and Repose and Temporary Immunity from Mount Laurel Lawsuits, bearing Docket No. MID-L-_____, now pending in the Superior Court of New Jersey, Law Division, Middlesex County. At the same time, a motion for temporary immunity from Mount Laurel lawsuits, with a hearing date of July 24, 2015 (or such other date as the court determines) has also been filed.

In the event you wish to receive a copy of the complaint and/or motion that has been filed, please notify Lisa Ward, Legal Assistant in my office (lward@sbtnj.net) and a copy will be promptly sent to you via electronic mail and/or regular mail, as you designate. A copy of the complaint and motion can also be reviewed on the South Brunswick Township website (www.sbtnj.net); at the offices of the Township of South Brunswick; or in the Superior Court – Law Division, Middlesex County Clerk's Office.

Please be advised that a decision by the Court in this matter may affect certain rights that you may possess related to the subject matter of the complaint. You should consult with your own attorney and take such action as you deem appropriate.

If you have any further questions or comments, or wish to discuss this matter further, please do not hesitate to contact my office.

Very truly yours,

Donald J. Sears
Director of Law

LEGAL NOTICE

TOWNSHIP OF SOUTH BRUNSWICK

Notice of the Filing of a Declaratory Judgment Action and Motion for Temporary Immunity from Mount Laurel Lawsuits in the Superior Court of New Jersey

NOTICE is hereby given that, on July 1, 2015, the Township of South Brunswick filed a Declaratory Judgment Complaint in Middlesex County Superior Court, Law Division, in response to the Supreme Court's recent decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (hereinafter "In re COAH"). Through its Declaratory Judgment Complaint, the Township is asking the Court (a) to review and approve the Township's Housing Element and Fair Share Plan ("Fair Share Plan"), as may be amended in conjunction with a determination of the Township's "fair share" of affordable housing and the standards with which the Township must comply; and (b) to enter an Order granting the Township immunity from Mount Laurel lawsuits commencing from December 23, 2014 and remaining in effect for five (5) months from (a) the later of (1) the filing of its Declaratory Judgment Complaint in the above referenced matter, or (2) the date the Township receives an order establishing its presumptive constitutional affordable housing obligations and identifying the permissible means which its proposed Affordable Housing Plan, Housing Element, and implementing ordinances can satisfy those obligations, and such additional time as the Court deems just and reasonable.

A "Mount Laurel lawsuit" is brought pursuant to Supreme Court opinions commonly referred to as "Mount Laurel I" and "Mount Laurel II," claiming that a municipality has used its zoning powers to exclude low and moderate income households in violation of the requirements of these court decisions, the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and other applicable laws. A "temporary immunity" order protects a municipality and its planning board from Mount Laurel lawsuits. Any interested party seeking to participate in this action should consider consulting legal counsel and should be guided by the New Jersey Court Rules.

NOTICE is further given that on July 1, 2015, the Township also filed a Motion for Temporary Immunity From Mount Laurel Lawsuits and shall move before the Honorable Douglas K. Wolfson, J.S.C. on July 24, 2015 at 9:00 a.m. or such other date and/or time to be determined by the Court, for an Order granting the Township and its Planning Board continued immunity from the filing of any Mount Laurel lawsuits. Please be advised that the date and/or time of the hearing on the Township's Motion may change. Scheduling information can be obtained from the Middlesex County Court Clerk or through any of the officials referenced below. The Township seeks immunity from Mount Laurel lawsuits commencing from December 23, 2014 and remaining in effect for five (5) months from (a) the later of (1) its filing of the Declaratory Judgment Complaint in the above referenced matter, or (2) the date the Court determines the fair share obligation and other standards with which the Township must comply and (b) such additional period of time as the Court may deem just and reasonable.

All formal responses to the Township's Declaratory Judgment Action and/or its Motion for Temporary Immunity must be filed in accordance with the New Jersey Court Rules. Any public

comments in lieu of formal action opposing the Township's Motion for Temporary Immunity must be submitted in writing no later than Friday, July 17, 2015, at 4:00 p.m. Such written comments must set forth any reason(s) why the Court should not enter an Order stating that the Township and its Planning Board are immune from Mount Laurel lawsuits. Be advised that, in the absence of formal action to achieve party status, the Court may decide not to consider any written public comments and, if they are considered, shall use its discretion on the probative weight to be given.

Formal action and/or any public comments must be served upon:

Honorable Douglas K. Wolfson, J.S.C.
Superior Court of New Jersey
Middlesex County Courthouse
56 Paterson Street
P.O. Box 964
New Brunswick, NJ 08903-0964

Bernard P. Hvozdovic, Jr., Township Manager
South Brunswick Municipal Building
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852

Donald J. Sears, Director of Law
South Brunswick Municipal Building
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852

Barbara Nyitrai, Township Clerk
South Brunswick Municipal Building
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852

A copy of the Township's Declaratory Judgment Action and Motion for Temporary Immunity, with all supporting documentation, is available for public inspection on the Township of South Brunswick's website at www.sbtnj.net at any time; or in person at the Office of the Township Clerk, Township of South Brunswick Municipal Building, 540 Ridge Road, Monmouth Junction, NJ 08852 during regular business hours (M-F, 8:30 am – 4:30 pm).