

LEGAL NOTICE

TOWNSHIP OF BERNARDS

Notice of Declaratory Action and Motion before the Superior Court of New Jersey for Temporary Immunity from Mount Laurel Lawsuits

NOTICE is hereby given that, on July 6, 2015, the Township of Bernards filed a Declaratory Complaint in Somerset 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 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" and the standards with which the Township must comply; and (b) to enter an Order granting the Township and its Planning Board immunity from all Mount Laurel lawsuits while the Township takes any actions necessary to comply with its affordable housing obligations voluntarily. 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 landmark 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 Rules of Court.

NOTICE is further given that, on July 6, 2015, the Township also filed a Motion for Temporary Immunity From Mount Laurel Lawsuits and shall move before the Honorable Edward M. Coleman, P.J.Ch. on Friday, 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 immunity from the filing of any Mount Laurel lawsuits. Please be advised that, due to the anticipated number of similar actions to be filed in the wake of In re COAH, it is possible, if not likely, that the date and/or time of the hearing on the Township's Motion will change. Scheduling information can be obtained from the Somerset County Court Clerk or through any of the attorneys referenced below. The Township seeks immunity from Mount Laurel lawsuits commencing from June 8, 2015 and remaining in effect for five (5) months from (a) the later of (1) its filing of a declaratory relief 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 Action and/or its Motion for Temporary Immunity must be filed in accordance with the 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 Monday, July 20, 2015 at 5:00 p.m. EST. Such written comments shall set forth any reason(s) why the Court should not enter

an Order granting the Township and its Planning Board immunity 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. Public comments shall be served upon:

Honorable Edward M. Coleman, P.J.Ch.
Vicinage 13 Mount Laurel Judge
Somerset County Courthouse
20 North Bridge Street, P.O. Box 3000
Somerville, NJ 08876

Denise Szabo, Township Clerk
Bernards Township
One Collyer Lane
Basking Ridge, NJ 07920

John P. Belardo, Esq.
McElroy, Deutsch, Mulvaney & Carpenter, LLP
1300 Mount Kemble Avenue
PO Box 2075
Morristown, NJ 07962-2075

A copy of the Township's Declaratory Action and Motion for Temporary Immunity with supporting documentation are available for public inspection at the office of the Township Clerk, Township of Bernards, One Collyer Lane, Basking Ridge, NJ 07920 during regular business hours.