

LEGAL NOTICE

BOROUGH OF ALLENDALE

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 7, 2015, the Borough of Allendale ("Borough") filed a Complaint for Declaratory Relief (the "Declaratory Complaint") in the Bergen 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 Borough is asking the Court (a) to review and approve the Borough's Housing Element and Fair Share Plan ("Fair Share Plan") which was previously the subject of a Round 3 grant of substantive certification by the New Jersey Council of Affordable Housing, as may be amended in conjunction with a determination of the Borough's "fair share" and the standards with which the Borough must comply; and (b) to enter an Order granting the Borough immunity from Mount Laurel lawsuits commencing from June 8, 2015 and remaining in effect for five (5) months from (a) the later of (1) the filing of its Declaratory Complaint the above-referenced matter, or (2) the date the Borough receives an order establishing its presumptive constitutional 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 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 7, 2015, the Borough also file a Motion for Temporary Immunity From Mount Laurel Lawsuits and shall move before the Honorable Menelaos W. Toskos, J.S.C. on August 21, 2015 at 9:00 a.m. or such other date and/or time to be determined by the Court for an Order granting the Borough and its Planning Board continued 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 Borough’s Motion will change. Scheduling information can be obtained from the Bergen County Court Clerk or through any of the attorneys referenced below. The Borough 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 Borough must comply and (b) such additional period of time as the Court may deem just and reasonable.

All formal responses to the Borough’s Declaratory Complaint 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 Borough’s Motion for Temporary Immunity must be submitted in writing no later than Thursday, August 13, 2015 at 4:00 p.m. EST. Such written comments shall set forth any reasons(s) why the Court should not enter an Order reaffirming that

the Borough 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. Public comments shall be served upon:

Honorable Menelaos W. Toskos, J.S.C.
Superior Court of New Jersey
Bergen County Justice Center
10 Main Street
Hackensack, NJ 07601

Deborah Fehre, RMC
Interim Borough Clerk
Borough of Allendale
500 West Crescent Avenue
Allendale, NJ 07401

Raymond R. Wiss, Esq.
Wiss & Bouregy, P.C.
345 Kinderkamack Road
Westwood, NJ 07675

A copy of the Borough's Declaratory Complaint and Motion for Temporary Immunity with supporting documentation are available for public inspection at the Borough Clerk, Borough of Allendale, 500 West Crescent Avenue, Allendale, NJ 07401 during regular business Hours.