

DIFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER & FLAUM, P.C.
15 Mountain Boulevard
Warren, New Jersey 07059
(908) 757-7800
Joseph Sordillo, Esq., Attorney ID No. 032962004
Attorneys for Borough of Far Hills

**IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
FAR HILLS, COUNTY OF SOMERSET**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

DOCKET NO.: SOM-L-903-15

CIVIL ACTION – *MOUNT LAUREL*

**AMENDED ORDER OF FAIRNESS AND
PRELIMINARY ROUND 3
COMPLIANCE**

THIS MATTER having been opened to the Court by Joseph Sordillo, Esq., and Jeffrey R. Surenian, Esq. appearing on behalf of declaratory plaintiff, Borough of Far Hills (hereinafter “the Borough” or “Far Hills”) via a Declaratory Judgment Complaint filed on July 2, 2015 seeking judicial approval of the Borough’s Round 3 Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”) in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”); and the Court having granted the Borough immunity from Mount Laurel lawsuits, which has remained in force, without interruptions, from July 2, 2015 to the present; and the

Court having appointed James Kyle, P.P., A.I.C.P. as the Special Master (hereinafter the “Court Master”); and Fair Share Housing Center (“FSHC”) having participated in this action as an interested party; and, on the Borough requesting an extension of time from the associated deadlines necessary for the Borough to secure its Final Round 3 Judgment of Compliance and Repose due to the recent COVID-19 outbreak, compliance with Governor Philip D. Murphy’s Executive Orders due to the outbreak; and good cause having been shown;

It is hereby ordered on this 27th day of May, 2020, as follows:

1. The Borough shall proceed to address its remaining items to come into compliance with its obligations pursuant to the Settlement Agreement between the Borough and Fair Share Housing Center approved by the court in an Order dated February 26, 2019, as amended, and the requirements of the Special Master’s December 18, 2018 report.

2. Any outstanding resolutions, ordinances, or other municipal actions required by the Settlement Agreement or the Special Master’s report, including those set forth in the prior February 20, 2020 Amended Order, as amended by the March 25, 2020 Amended Order, shall be completed by July 1, 2020. It is noted that all resolutions, ordinances or other municipal actions required to establish the zoning for the specific affordable housing projects as set forth in the schedule attached to the February 20, 2020 Amended Order, have been or will be completed by June 1, 2020.

3. Assuming completion of all of the items required by this Order on a timely basis a final compliance hearing in this matter will be scheduled by the court thereafter.

4. Immunity is hereby extended to August 1, 2020 and shall expire on that date and not be extended further absent (a) a formal motion by the Borough with opportunity to be heard by the interested parties to this case; or (b) the completion of all of the items required by this

Order prior to August 1, 2020 and the resulting setting by the court of a final compliance hearing in this matter prior to that date, in which case immunity shall be extended through the date of the final compliance hearing.

5. The court retains jurisdiction over this matter pending the final compliance hearing. In the event that the Borough does not proceed in accordance with this Order, the parties to this matter may file a motion in aid of litigant's rights to enforce the court's prior orders prior to June 1, 2020 which may include an application to seek to revoke immunity.

6. Counsel for the Borough shall provide copies of this Order to the Borough's Service List within seven (7) days of receipt.

/S/ THOMAS C. MILLER, P.J.Cv.

HON. THOMAS C. MILLER, P.J.Cv.