

**NOTICE OF FAIRNESS HEARING FOR THE BOROUGH OF NEW PROVIDENCE,
COUNTY OF UNION (“BOROUGH”), FOR THE BOROUGH’S SETTLEMENT
AGREEMENT TO ADDRESS THE BOROUGH’S OBLIGATION TO PROVIDE
AFFORDABLE HOUSING TO LOW AND MODERATE INCOME HOUSEHOLDS**

Docket No. UNN-L-2442-15

PLEASE TAKE NOTICE that on November 5, 2018, beginning at 10:00 A.M., there will be a Fairness Hearing (“Hearing”) before the Honorable Karen M. Cassidy, A.J.S.C., at the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey 07207.

The purpose of the Hearing is for the Court to consider whether the terms of the Amended Settlement Agreement (“Agreement”) between the Borough, Fair Share Housing Center (“FSHC”), Linde North America, Inc., (“Linde”) and Becton Dickinson and Company, f/k/a/ C.R. Bard, Inc. (“Becton”) will satisfy the Borough’s obligation to provide a realistic opportunity to satisfy its rehabilitation, Prior Round and Third Round “fair share” of the regional need for housing affordable to low income and moderate income households pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations of the New Jersey Council on Affordable Housing (“COAH”), the New Jersey Supreme Court’s March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) and other applicable laws.

The Settlement Agreement fully addresses the existing components of the Borough’s affordable housing obligations for the period 1987-2025. These include the Prior Round (1987-1999), new construction obligation of 135 units, a rehabilitation obligation of 37 units, and a Third Round (1999-2025) new construction obligation of 316 units, which is subject to possible future modification. The Settlement Agreement will provide a detailed list of the Borough’s total affordable housing obligation and compliance mechanisms that demonstrate the Borough’s compliance with those affordable housing obligations. The Settlement Agreement will be available for public inspection and/or photocopying (at requestor’s expense) between the hours of 9:00 A.M. to 4:00 P.M. at the Borough Clerk’s office located at 360 Elkwood Avenue, New Providence, New Jersey 07974.

On the date of the Hearing, the Court will conduct a Fairness Hearing to determine whether the Settlement Agreement is fair to low and moderate income households and creates a realistic opportunity for satisfaction of the Borough’s affordable housing obligations pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), and the applicable procedural and substantive regulations of COAH and the Supreme Court’s March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) to satisfy the Borough’s affordable housing responsibilities for the period 1987-2025.

Any interested third party that seeks to appear and be heard at the November 5, 2018 Hearing on the Borough’s Settlement Agreement shall have the opportunity to present any position on the Settlement Agreement. Objections or comments by any interested person must be filed with the Court at the above address on or before October 25, 2018 with duplicate copies being forwarded by mail and e-mail to the attention of the following:

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This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the Borough's proposed Settlement Agreement and inform such parties that they are able to comment on said Settlement Agreement before the Court reviews and evaluates whether to approve the Settlement Agreement. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Settlement Agreement.