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Borough of Freehold

IN THE MATTER OF THE APPLICATION
OF THE BOROUGH OF FREEHOLD FOR A
DECLARATORY JUDGMENT

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.: MON-L-759-22

Civil Action
(Mount Laurel)

**ORDER FIXING DATE FOR
FAIRNESS AND COMPLIANCE
HEARING**

This matter having been opened via the filing of a Declaratory Judgment Complaint by McManimon, Scotland & Baumann, LLC, Frances Ciesla McManimon, Esq. appearing on behalf of Declaratory Plaintiff, the Borough of Freehold (the "Borough"); and the Court having held a Case Management Conference on January 21, 2026; and the Court having entered a Case Management Order on January 22, 2026 scheduling a Fairness and Compliance Hearing for March 12, 2026 at 9:30 a.m., and having considered the proposed Notice attached hereto as Exhibit A and for good cause appearing:

IT IS on this 2nd day of February, 2026:

1. A Fairness and Compliance Hearing shall be held before the Honorable Linda Grasso Jones, J.S.C., on March 12, 2026 at 9:30 a.m., at the Monmouth County Courthouse, 71 Monmouth Park, Freehold, New Jersey, 07728 for (1) consideration and approval of the terms of a Settlement Agreement (the "Settlement Agreement") between the Borough and Fair Share Housing Center ("FSHC"); (2) consideration and approval of the Borough's Housing Element and Fair Share Plan ("HEFSP"), and any attendant or implementing legislation; and (3) the issuance of a Final Judgment of Compliance and Repose.

2. The Borough will properly Notice the Fairness and Compliance hearing which will include (i) publication in a newspaper of general circulation in Monmouth County by February 9, 2026 (ii) serving a copy of this Order and Notice upon the Service List attached hereto as Exhibit B and publication on the Borough's website by February 9, 2026.

3. Copies of the Settlement Agreement and HEFSP filed with the Court shall be available for inspection during regular business hours at the Office of the Borough Clerk, Borough of Freehold, located at 30 Mechanic Street, Freehold, New Jersey 07728 by February 9, 2026.

4. Any objections to the Settlement Agreement or the HEFSP must be filed in writing together with copies of any supporting affidavits or documents on or before February 19, 2026, with the Honorable Linda Grasso Jones, J.S.C., Superior Court of New Jersey, Monmouth County Courthouse, 71 Monmouth Park, Freehold, New Jersey 07728, with duplicate copies forwarded by mail to ^{counsel} for Fair Share Housing Center, Special Counsel for the Borough, and Special Adjudicator Frank Banisch, PP/AICP, as set forth more fully in the attached Notice. Any replies to such objections must be filed with the Court by March 2, 2026.

5. The Special Adjudicator shall submit his report to the Court no later than March 9, 2026.

6. Upon approval of the Settlement Agreement and a finding that the HEFSP creates a realistic opportunity to satisfy the Borough's fair share of the regional need for, housing affordable to low and moderate-income housing, the Court shall issue a Final Judgment of Compliance and Repose; which once entered, will provide the Borough immunity from all Mount Laurel lawsuits through July 1, 2025.

7. Counsel for the Borough shall provide copies of this Order to all counsel of record and to the Special Adjudicator within seven (7) days of receipt.

1st/ Linda Grasso Jones, J.S.C.
HON. LINDA GRASSO JONES, J.S.C.

EXHIBIT A

**NOTICE OF FAIRNESS AND COMPLIANCE HEARING FOR THE BOROUGH OF
FREEHOLD
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
FOR APPROVAL OF A
SETTLEMENT OF MOUNT LAUREL LITIGATION AND REGARDING THE
BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN AND COMPLIANCE
WITH ITS OBLIGATION TO PROVIDE AFFORDABLE HOUSING TO LOW AND
MODERATE INCOME HOUSEHOLDS**

DOCKET NO. MON-L-759-22

PLEASE TAKE NOTICE that on **March 12, 2026** beginning at **9:30 a.m.**, there will be a Fairness and Compliance Hearing (the "Hearing") before the Honorable Linda Grasso Jones, J.S.C. at the Monmouth County Superior Court Courthouse, Courtroom 221S, 71 Monmouth Park, Freehold, New Jersey, 07728.

The purpose of the Hearing is for the Court to: (1) consider whether the proposed Settlement Agreement between the Borough of Freehold (the "Borough") and the Fair Share Housing Center ("FSHC") in the Mount Laurel Declaratory Judgment Action entitled In the Matter of the Application of the Borough of Freehold for a Declaratory Judgment Docket No. MON-L-759-22 (the "Settlement Agreement"), is fair and reasonable to the region's low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), thereby entitling the parties to this settlement to judicial approval of said Settlement Agreement; (2) consider approving the Borough's Housing Plan Element and Fair Share Plan, as endorsed and adopted by the Borough, pursuant to the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) (the "HEFSP"); (3) determine whether the establishment of the Borough's fair share obligations and the Borough's compliance efforts, reflected in the Settlement Agreement and in the HEFSP, will satisfy the Borough's obligation to provide a realistic opportunity to satisfy its rehabilitation, Prior Round and Third Round prospective need "fair share" of the regional need for affordable housing to low- 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 captioned In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221, N.J. 1 (2015) and other applicable laws; and (4) determine whether the Borough is entitled to a Judgment of Compliance and Repose.

The Borough's compliance efforts, as reflected in the terms of the Borough's Settlement Agreement with FSHC, fully address the existing components of the Borough's affordable housing obligations for the period 1987-2025. These include a Prior Round (1987-1999) obligation of 188 units, a third round present need obligation of 287 units and a Third Round (1999-2025) obligation of 112 units. The proposed terms of the Settlement Agreement 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.

A copy of the proposed Settlement Agreement is on file with the Court and the Borough, and is available for public inspection and/or photocopying (at requestor's expense) between the hours

of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, Borough of Freehold, located at 30 Mechanic Street, Freehold, New Jersey 07728.

On the date of the Hearing, the Court will conduct a Fairness and Compliance Hearing to determine whether the Settlement Agreement and HEFSP are fair to low- and moderate-income households pursuant to the Morris County and East/West Venture cases referenced above and create a realistic opportunity for satisfaction of the Borough's affordable housing obligations for the period 1987 through 2025 pursuant to the Mount Laurel decisions and their progeny, the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations of COAH, and the New Jersey Supreme Court's March 10, 2015 decision in the matter captioned In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221, N.J. 1 (2015). The Borough will seek a Judgment of Compliance and Repose, subject to appropriate conditions, if any, that may be imposed by the Court, which Judgment of Compliance will entitle the Borough to protection from any Mount Laurel builder's remedy lawsuits in the Third Round.

Any interested person, including, but not limited to, any low- or moderate-income person residing in the housing region, any organization representing the interests of low and moderate-income persons, any owner of property in the Borough, or any organization representing the interests of owners of property in the Borough may file comments on, or objections to, the Settlement Agreement and/or may seek to appear and be heard at the Hearing to address the Settlement Agreement and/or the Borough's compliance with its conditions of repose.

Any objections must fully comply with N.J.A.C. 5:91-4.1 and 4.2, which provide minimum standards for such objections. Such objections or comments by any interested party must be filed, together with copies of any supporting affidavits or other documents, must be filed in writing, on or before **February 19, 2026** with the Honorable Linda Grasso Jones J.S.C. at the Monmouth County Superior Court Courthouse, 71 Monmouth Park, Freehold, New Jersey, 07728, with duplicate copies being forwarded by mail and email, also on or before **February 19, 2026** to the attention of the following:

Honorable Linda Grasso Jones, J.S.C.
Monmouth County Superior Court
Courthouse
71 Monmouth Par
Freehold, New Jersey, 07728,

Ariela Rutbeck-Goldman, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002
ArielaRutbeck@FairShareHousing.org

Frank Banisch, AICP/PP, President
Banisch Associates, Inc
111 Main Street
Flemington, NJ 08822
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Frances Ciesla McManimon, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
FMcmanimon@msbnj.com

Borough Clerk
Borough of Freehold
30 Mechanic Street
Freehold, New Jersey 07728.
tdibenedetto@freeholdboro.org

Should the Borough or FSHC wish to submit written responses to any third party comments, concerns or objections filed with the Court, same shall be filed by eCourts and served upon the third party by email and certified mail, return receipt requested, with copies to the Borough and FSHC by email, by **March 2, 2026**. By no later than **March 9, 2026**, the Special Adjudicator, Frank Banisch, AICP, P.P. shall furnish the Court and counsel for all parties of record a copy of his Report on the issues associated with the Settlement Agreement. The Report shall be placed on file with the Borough Clerk at the address set forth above and be available for public inspection and photocopying during normal business hours, as well as made available on the Borough's website.

This Notice is provided by direction of the Court and is intended to inform interested parties of (1) the existence of the Settlement Agreement, and possible consequences of Court approval of the Settlement Agreement, which may ultimately result in the entry of a Final Judgment of Compliance and Repose by the Court; (2) the Borough's compliance measures as reflected in the terms of the Settlement Agreement; and to 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; (3) the existence of the Borough's HEFSP, and possible consequences of Court approval of the HEFSP, which may result in the entry of a Final Judgment of Compliance and Repose; and (4) to inform such parties that they are able to comment on said Settlement Agreement and HEFSP before the Court reviews and evaluates whether to approve same. This Notice does not indicate any view by the Court as to the fairness or the adequacy of the Settlement Agreement or the HEFSP under the Mount Laurel Doctrine and governing law or as to whether the Borough is entitled to a Judgment of Compliance and Repose.

EXHIBIT B
SERVICE LIST FOR FAIRNESS HEARING
I/M/O the Application of the Borough of Freehold for a Declaratory Judgment
Docket No. MON-L-759-22

Honorable Linda Grasso Jones, J.S.C.
Monmouth County Superior Court
Courthouse
71 Monmouth Par
Freehold, New Jersey, 07728,

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