

MID-POINT REVIEW PER N.J.S.A. 52: 27D-313

IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF HANOVER
DOCKET NO. MRS-L-1635-15 (“LITIGATION”)

The Township of Hanover entered into a February 5, 2019 settlement (“Settlement Agreement”) with Fair Share Housing Center (“FSHC”), a Supreme Court-designated interested party, to resolve the Litigation. The Settlement Agreement was approved by the Court on May 14, 2019 after a properly noticed public Fairness Hearing on the matter held on May 10, 2019. The Settlement Agreement between the Township and FSHC was later amended on June 2, 2020 (“Amended Settlement Agreement”). The Settlement Agreement, as amended, sets forth the Township of Hanover’s total affordable housing obligation and compliance mechanisms demonstrating the Township’s compliance with those affordable housing obligations.

The Settlement Agreement provides for a mid-point realistic opportunity review pursuant to N.J.S.A. 52:27D-313 wherein the Township of Hanover is to post on its municipal website by July 1, 2020, a status report as to the implementation of its Housing Element and Fair Share Plan, and an analysis of whether any unbuilt sites or unfulfilled mechanisms still continue to represent realistic opportunities for affordable housing within the municipality and, if there are changed circumstances, whether any mechanisms to meet unmet need should be revised or supplemented.

The status of these mechanisms is set forth in the Settlement Agreement, as amended, which is currently available on the Township’s website. As the Amended Settlement Agreement has been approved, an Amended Housing Element and Fair Share Plan (HE&FSP) incorporating these mechanisms shall be prepared and adopted by the Township’s Planning Board and endorsed by the Township Committee. Moreover, amendments to the Township’s land use and development regulations shall be provided in order to implement the mechanisms identified in the Township’s Amended Settlement Agreement. All of these obligations are required by the Court to be completed in advance of the Amended Preliminary Fairness Hearing and Final Compliance Hearing.

The affordable housing plan mechanisms set forth in the Settlement Agreement, as amended, continue to represent realistic opportunities for affordable housing in the Township of Hanover. No revisions or supplemental changes are necessary or proposed at this time.

Any interested party may submit comments to the Township of Hanover Clerk, with a copy of the comments to Fair Share Housing Center, regarding the Township’s mid-point status report as set forth above and whether any unbuilt sites no longer present a realistic opportunity for affordable housing and should be replaced. Any interested party may also, by motion practice, request a hearing before the court regarding the aforesaid issues.