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Order Approving SA
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IN THE MATTER OF THE
APPLICATION OF THE CITY OF
ENGLEWOOD, a municipal
corporation of the State of New Jersey,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY

DOCKET NO.: BER-L-4069-19

CIVIL ACTION
(Mount Laurel)

**ORDER APPROVING SETTLEMENT
AGREEMENT AND GRANTING A
PRELIMINARY JUDGMENT OF
COMPLIANCE AND REPOSE AND
SETTING A FINAL COMPLIANCE
HEARING**

THIS MATTER having come before this Court for a remote and virtual hearing on January 10, 2023 to determine whether the Settlement Agreement (Exhibit P-5 in evidence), entered into between the City of Englewood ("City") and Fair Share Housing Center ("FSHC") 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 NJ. Super. 359 (Law Div.1984), aff'd o.b., 209 NJ. Super. 108 (App. Div. 1986) and East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and in accordance with an Order dated November 10, 2022 (P-1 in evidence) entered by this Court; and in the presence of The Buzak

Law Group, LLC, Edward J. Buzak, Esq. and Keli L. Gallo, Esq. appearing, as Counsel for the City; Huntington Bailey, William J. Bailey, Esq. appearing also as Counsel for the City; Joshua Bauers, Esq. and Tanushree Bansal appearing as Counsel for FSHC; Joshua Zielinski, Esq., appearing as Counsel for Interveners 31 E Palisade Avenue, LLC and 7 North Woodland Street, LLC (“Interveners”); and two interested members of the public appearing as objectors, Diane and Peter Jansen (the “Jansen’s”); and the November 10, 2022 Order entered by this Court (Exhibit P-1), having required specific notice to be given to various entities and persons prior to the hearing; and the Court being satisfied through the contents of Exhibits P-2 and P-3 in evidence and as more specifically set forth in this Judgment that adequate and appropriate notice was provided; and the Court having heard the testimony of John Szabo, PP, AICP, the City's professional planning expert, the testimony of Francis J. Banisch, III, PP, AICP, the Special Master appointed to assist the Court in resolving the multiple issues in this litigation, as well as the argument and position of counsel; and written objections having been submitted by the Interveners and the Jansen’s; and the Court having reviewed all 6 Exhibits from the City placed into evidence; and the Court being of the view that an Order approving the Settlement Agreement should be entered as set forth hereinafter, and for good cause shown

It is on this 20th day of January, 2023

ORDERED AND ADJUDGED as follows:

1. The Court finds that the notice provided by the City as set forth in the Certification of Yancy Wazirmas (P-2 in evidence) and in the Certification of Justine Visconti (P-3 in evidence) was consistent with the notice requirements set forth by this Court in its Order of November 10, 2022 (P-1 in evidence) and was adequate and appropriate for the remote and virtual hearing to take place.

2. The Settlement Agreement entered into between the City and Fair Share Housing Center ("FSHC") dated November 1, 2022(P-5 in evidence)is hereby determined to be fair and reasonable; to be in the range of possible outcomes were this case fully litigated; to represent a realistic opportunity for the provision of affordable housing to the protected class of low and moderate income families; to represent a practical solution for the construction of affordable housing units; and to achieve the goals of the Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*) by helping the City satisfy its affordable housing obligations.

3. The parties are directed and ordered to implement the Settlement Agreement in accordance with its terms not later than May 10, 2023, including, without limitation, the terms and conditions set forth in Exhibit A to the Special Master's Report dated January 10, 2023 and as set forth on the record at the Hearing.

4. The Report of the Special Master dated January 10, 2023 is hereby incorporated by reference herein as if set forth at length.

5. The temporary immunity previously granted to the City is extended until further order of the Court.

6. This Court retains jurisdiction for the limited purpose of enforcing this Judgment including the enforcement of the terms and conditions of the Settlement Agreement (Exhibits P-5).

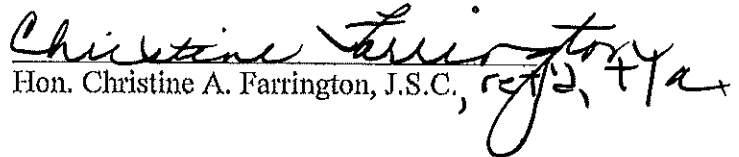
7. As set forth by the Court on the record during January 10, 2023 Fairness and Preliminary Compliance Hearing, a Final Compliance Hearing in this matter shall be held on May 10, 2023 at 10:00a.m. The Final Compliance Hearing will take place through virtual technology adopted for use by the Court. The City will provide notice regarding the virtual Hearing on its website (www.cityofenglewood.org)within 10 days of the entry of this Order

and, if not provided by the Court, will provide the link for the virtual Hearing to all participants in the Fairness Hearing within one day of the furnishing of the link to Counsel for the City.. No further notice regarding the Final Compliance Hearing is required.

8. The written objections of the Interveners, as expressed, without limitation, in its letter of December 6, 2022 and as expressed in the oral argument of counsel for the Interveners at the Hearing, and the written objections of the Jansen's, as expressed, without limitation, in their letter of December 6, 2022 and their comments at the Hearing, ^{were considered by the} ~~be and are hereby rejected and~~ ^{Court. Ultimately, the court accepted the opinion of the} ~~overruled because they do not inform or relate to the fairness and reasonableness of the~~ ^{Special Master regarding} ~~Settlement Agreement to the protected class of low and moderate income families as set forth in~~ ~~Morris County Fair Housing Council v. Boonton Twp., 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).~~

9. The oral opinion of this Court, issued on January 10, 2023, be and the same is hereby incorporated herein as if set forth at length.

10. A copy of the within Order shall be served on all parties via eCourts or as otherwise directed by the Court.


Hon. Christine A. Farrington, J.S.C., *reg'd, t/a*