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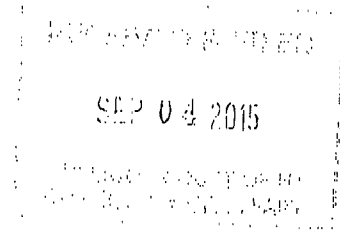
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**IN THE MATTER OF THE
APPLICATION OF THE CITY OF
VINELAND, COUNTY OF
CUMBERLAND**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CUMBERLAND COUNTY**

DOCKET NO: CUM-L-450-15

CIVIL ACTION – MOUNT LAUREL

**ORDER GRANTING VINELAND A
FINAL ROUND 3 JUDGMENT OF
COMPLIANCE AND REPOSE AND
RELATED MOUNT LAUREL RELIEF**

THIS MATTER having been opened to the Court by Jeffrey R. Surenian and Associates, LLC, Jeffrey R. Surenian, Esq. and Erik C. Nolan, Esq. appearing on behalf of declaratory plaintiff, City of Vineland (hereinafter “the City”); and the Vineland Planning Board (hereinafter “Planning Board”) having previously adopted a Housing Element and Fair Share Plan for all three housing cycles; and the City having endorsed said plan and voluntarily filed said plan with the New Jersey Council on Affordable Housing for review and approval; and the City and its Planning Board having accordingly secured protections from expensive exclusionary zoning litigation; and Fair Share Housing Center having issued a report, dated April 17, 2015, through its expert David N. Kinsey, P.P., F.A.I.C.P in which he asserted that the City had a rehab obligation of 319 units, a Prior Round obligation of zero and a Round 3 obligation of zero; and the City having stipulated to those numbers in an effort to avoid the expense of litigation; and the City’s Planning Board having adopted and the City having recently endorsed another Housing

Element and Fair Share plan (hereinafter "2015 Affordable Housing Plan") based upon these numbers; and the 2015 Affordable Housing Plan having noted that the City has implemented a continuing and highly successfully rehabilitation program; and that program having created a realistic opportunity for satisfaction of the 319 unit indigenous need; and the City being entitled to a final Round 3 Judgment of Compliance and Repose based upon the foregoing; and the City having an additional 811 credits it can apply towards Round 4; and the Supreme Court having determined that the task of implementing the Mount Laurel doctrine should revert from COAH to the courts because of COAH's failure to adopt new regulations by the deadline the Court imposed pursuant to an order, dated March 14, 2014; and the Supreme Court having further emphasized the importance and value of voluntary municipal compliance (In re COAH, 221 N.J. at 34); and the immunity doctrine having arisen as a result of specially designated trial judges implementing the charge of the Supreme Court in Mount Laurel II to foster voluntary compliance; and Vineland City having committed itself to comply voluntarily by filing a duly adopted affordable housing plan with the Court for its approval; and the City wishing to complete the process of complying voluntarily now that the Court will have jurisdiction in lieu of COAH; and the Court having determined that, at the very least, the City and its Planning Board are entitled to immunity so that the City may address any concerns the court may have with its 2015 Affordable Housing Plan; and it appearing that granting temporary immunity, if necessary, would advance the objective of (1) barring the filing and serving of any unnecessary Mount Laurel lawsuits; (2) promoting voluntary compliance; and (3) facilitating the resolution of all issues concerning the City's Mount Laurel responsibilities to be resolved expeditiously and with as little additional burden to the public as possible; and the Court having considered the

pleadings and related papers filed in this matter and the arguments of counsel; and good cause appearing.

IT IS on this 4 day of September, 2015, ORDERED as follows:

1. The Court makes the following findings:
 - a. The City's rehabilitation obligation of the City is hereby established to be 319 units.
 - b. The City's Prior Round prospective need obligation is hereby established to be zero units.
 - c. The City's Round 3 prospective need obligation is hereby established to be zero units.
 - d. The City has a highly successful rehab program that creates a realistic opportunity for satisfaction of its 319-unit rehab obligation.

2. The City is hereby granted a Final Judgment of Compliance and Repose for Round 3 based upon the foregoing findings.

3. The repose shall last for ten years and shall confer all the protections specified by the New Jersey Supreme Court in So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158,292 (1983).

4. The repose shall commence from the date hereof and last for 10 years.

If the Court denies the relief in Paragraph 2, the City seeks the following relief in lieu thereof:

~~5. The City is granted immunity from exclusionary zoning lawsuits until such time as (a) the Court identifies any issues concerning why it declines to enter a final judgment of compliance and repose for Round 3 and (b) the City responds to the Court's concerns.~~

6. ~~If the City files its response to the Court's concerns within said five month period,~~
the immunity shall continue pending further action of the Court. *an*

7. Nothing herein shall preclude the City from securing a determination as to its entitlement to credits that may be applied to any future obligations.

8. Counsel for the City shall provide all parties on the Service/Notice List with a copy of this Order within seven (7) days of receipt.

✓ no opp



ANNE McDONNELL, P.J.CH.

