

TOWNSHIP OF BERKELEY, COUNTY OF OCEAN
NOTICE OF “MIDPOINT REALISTIC OPPORTUNITY REVIEW” REPORT
Docket Number: OCN-L-1855-15

PLEASE TAKE NOTICE that the Township of Berkeley, County of Ocean, posted its Midpoint Realistic Opportunity Review Report on its municipal website at <http://twp.berkeley.nj.us/> with a copy of the Report provided to Fair Share Housing Center (“FSHC”). The requirement for a Midpoint Realistic Opportunity Review derives from the Fair Housing Act at N.J.S.A. 52:27D-313 and the purpose and process is set forth in Berkeley Township’s Court-approved Settlement Agreement with FSHC and the November 18, 2016 Court Order in the Township’s Mount Laurel Declaratory Judgment Action, Docket No. OCN-L-1855-15. The purpose of the Midpoint Realistic Opportunity Review is for Berkeley Township to provide (1) a status report regarding the implementation of its court-approved Round 3 Housing Element and Fair Share Plan (“Fair Share Plan”); (2) an analysis of whether any unbuilt affordable housing sites or unfulfilled compliance mechanisms continue to present a “realistic opportunity” for the construction of its “fair share” of the regional need for housing affordable to low- and moderate-income households; and (3) information to determine whether any mechanisms to meet its unmet need should be modified or supplemented.

Any interested party may submit comments to Berkeley Township, with a copy to FSHC, regarding (1) whether any proposed affordable housing sites or other compliance mechanisms no longer create a realistic opportunity and therefore should be replaced; and/or (2) whether any mechanisms to meet the Township’s unmet affordable housing need should be revised or replaced. Comments shall be submitted in writing no later than September 30, 2020.

Berkeley Township requests that all comments provide: (1) A clear and complete statement regarding each aspect of its court-approved Fair Share Plan the commenter contends no longer presents a realistic opportunity and should be modified, supplemented, or replaced; (2) an explanation of the basis for each comment; (3) copies of any supporting expert reports, studies, or other data relied upon by the commenter; (4) proposed modifications, changes, or other measures the commenter contends would resolve the issue; and (5) an explanation of how the commenter’s proposals are consistent with applicable law.

Any interested party may also file a motion with the Ocean County Superior Court to request a formal hearing regarding these issues. If the Court determines that a site or mechanism no longer presents a realistic opportunity and should therefore be modified, supplemented, or replaced, the Township shall have the opportunity to amend its Fair Share Plan to cure the issue while maintaining its immunity from all exclusionary zoning litigation.

To facilitate this process, Berkeley Township will also place a copy of its Midpoint Realistic Opportunity Review Report on file with the Township Clerk in addition to posting the Report on its Township website. The Report will be available for public inspection on August 28, 2020 at the office of the Township Clerk, Berkeley Municipal Building, 627 Pinewald-Keswick Road, Berkeley Township, New Jersey, during normal business hours of 9:00 a.m. to 4:30 p.m. or by appointment if the municipal building is closed due to the COVID-19 pandemic. The Township Clerk’s Office can be reached at 732-244-7400 or at townshipclerk@twp.berkeley.nj.us to make an appointment.

Any comments or motion documents, together with copies of any affidavits, certifications, reports, or other documents must be filed in writing, on or before September 30, 2020 with Michael A. Jedziniak, Esq. of Carluccio, Leone, Dimon, Doyle & Sacks, 9 Robbins Street, Toms River NJ 08753 or emailed to mjedziniak@clds.com with copies of all papers hand-delivered or forwarded by mail or e-mail to:

Beverly Carle, Township Clerk, 627 Pinewald-Keswick Road, Berkeley Township NJ 08721 or townshipclerk@twp.berkeley.nj.us.

Mary Beth Lonergan, P.P., A..I.C.P., Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ 08608 mblonergan@cchnj.com.

Laura Smith-Denker, Esq., Fair Share Housing Center, 510 Park Boulevard, Cherry Hill, NJ 08002 adamgordon@fairsharehousing.org.

Beverly Carle
Municipal Clerk