

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

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF UPPER SADDLE RIVER
DOCKET NO. BER-L-6121-15 ("LITIGATION")

The Borough of Upper Saddle River entered into a January 23, 2020 settlement ("Settlement Agreement") with Fair Share Housing Center ("FSHC"), a Supreme Court-designated interested party, to resolve the Litigation. This Settlement Agreement sets forth the Borough of Upper Saddle River's total affordable housing obligation and compliance mechanisms demonstrating the Borough's compliance with those affordable housing obligations. The Settlement Agreement was approved by the Court at a Fairness Hearing on June 26, 2020, following a properly noticed public Fairness Hearing on the matter.

The Settlement Agreement provides for a mid-point realistic opportunity review pursuant to N.J.S.A. 52:27D-313 wherein the Borough of Upper Saddle River 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, which is currently available on the Borough's website. As the Settlement Agreement has been approved, a Housing Element and Fair Share Plan (HE&FSP) incorporating these mechanisms shall be prepared and adopted by the Borough's Planning Board and endorsed by the Borough Council. Moreover, amendments to the Borough's land use and development regulations shall be provided in order to implement the mechanisms identified in the Borough's Settlement Agreement. All of these obligations are required by the Court to be completed within 120 days of the June 26, 2020 Fairness Hearing.

The affordable housing plan mechanisms set forth in the Settlement Agreement and approved by the Court on June 26, 2020 continue to represent realistic opportunities for affordable housing in the Borough of Upper Saddle River. No revisions or supplemental changes are necessary or proposed at this time.

Any interested party may submit comments to the Borough of Upper Saddle River Clerk, with a copy of the comments to Fair Share Housing Center, regarding the Borough'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.