Tracy A. Siebold, Esquire
New Jersey Attorney # 017842000

NEHMAD PERILLO & DAVIS, PC

4030 Ocean Heights Avenue

Egg Harbor Township, New Jersey 08234

Phone: (609) 927-1177 Fax: (609) 926-9721

Attorneys for Petitioner Township of Mullica

IN THE MATTER OF THE TOWNSHIP OF MULLICA, a municipal corporation of the State of New Jersey, and its Third Round Affordable Housing Element and Fair Share Plan.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION ATLANTIC COUNTY

DOCKET NO.: ATL-L-___-15

(Mt. Laurel)

Civil Action

AFFIDAVIT OF PUBLIC NOTICE

- I, Tracy A. Siebold, Esquire, of full age, does hereby certify as follows:
- 1. I am counsel for Petitioner Township of Mullica regarding the above matter.
- 2. This office arranged for the publication of a Legal Notice on July 8, 2015, notifying the public that the Township filed a Declaratory Complaint as sanctioned in the Mount Laurel doctrine and further setting forth the details of the time and place that the Court will consider the Township's pending Motion for Temporary Immunity, which was filed simultaneously with the Declaratory Action referred to above. See **Exhibit "A"**.
- 3. The Legal Notice will be published in the *Hammonton Gazette*, the Township's legal newspaper, simultaneous with the filing of this Motion. A copy of the Affidavit of Publication received from the *Hammonton Gazette* will be forwarded to the Court after it is received by this office.
- 4. On July 7, 2015, this office forwarded a copy of the Township's Declaratory Action, its Motion for Temporary Immunity, and all other related documents filed in this matter, to the Mullica

Township Clerk via Electronic Mail and Regular Mail and instructed the Township to have the pleadings and other relevant documents available for inspection by the public. I also included a copy of the Legal Notice, and instructed the Township Clerk to post same in the Municipal Building.

- 5. In addition, I sent via regular mail and certified mail (RRR) the form letter annexed hereto as **Exhibit "B"** to all members of the Service List attached hereto as **Exhibit "C"**.
- 6. The Service List is a comprehensive collection of (a) the members of the mandatory service list required by the Supreme Court in In re Adoption of N.J.A.C. 5:96 & 5:97 BY N.J. Council on Affordable Housing, 221 N.J. 1 (2015); (b) the known affordable housing advocacy groups in Region 6; (c) the members of the updated service list recently provided by COAH; (d) any additional persons or entities expressing an interest in creating affordable housing in town; and (e) any owners of property identified in the municipality's Housing Element and Fair Share Plan as potential and/or existing sources of affordable housing credits.
- 7. In light of these actions, in addition to the public notice published in the newspaper(s) referenced above, we provided each member of the Service List with (a) actual notice of the Township's Declaratory Action and its Motion for Temporary Immunity, and (b) an opportunity to be heard thereon.
- 8. I am aware that the Court will rely upon the facts set forth in this Certification and I am aware that, if any statement made by me are willfully false, I am subject to punishment by the Court.

SIEBOLD

Dated: 7/7/15

EXHIBIT "A"

LEGAL NOTICE

TOWNSHIP OF MULLICA

Notice of Declaratory Action and Motion before the Superior Court of New Jersey for Temporary Immunity from Mount Laurel Lawsuits

NOTICE is hereby given that, on July 8, 2015, the Township of Mullica filed a Declaratory Complaint in Atlantic County Superior Court, Law Division, in response to the Supreme Court's recent decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (hereinafter "In re COAH"). Declaratory Complaint, the Township is asking the Court (a) to review and approve the Township's Housing Element and Fair Share Plan ("Fair Share Plan") as may be amended in conjunction with a determination of the Township's "fair share" and the standards with which the Township must comply; and (b) to enter an Order granting the Township and its Planning Board immunity from all Mount Laurel lawsuits while the Township takes any actions necessary to comply with its affordable housing obligations voluntarily. A "Mount Laurel lawsuit" is brought pursuant to Supreme Court opinions commonly referred to as "Mount Laurel II" and "Mount Laurel II" claiming that a municipality has used its zoning powers to exclude low and moderate income households in violation of the requirements of these landmark decisions, the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and other applicable laws. A "temporary immunity" order protects a municipality and its planning board from Mount Laurel lawsuits. Any interested party seeking to participate in this action should consider consulting legal counsel and should be guided by the New Jersey Rules of Court.

NOTICE is further given that, on July 8 2015, the City also filed a Motion for Temporary Immunity From Mount Laurel Lawsuits and shall move before the Honorable Nelson C. Johnson, J.S.C. on August 7, 2015 at 9:00 a.m. or such other date and/or time to be determined by the Court for an Order granting the Township and its Planning Board immunity from the filing of any Mount Laurel lawsuits. Please be advised that, due to the anticipated number of similar actions to be filed in the wake of In re COAH, it is possible, if not likely, that the date and/or time of the hearing on the Township's Motion will change. Scheduling information can be obtained from the Atlantic County Court Clerk or through any of the attorneys referenced below. The Township seeks immunity from Mount Laurel lawsuits commencing from June 8, 2015 and remaining in effect for five (5) months from (a) the later of (1) its filing of a declaratory relief complaint in the above referenced matter, or (2) the date the Court determines the fair share obligation and other standards with which the Township must comply, and (b) such additional period of time as the Court may deem just and reasonable.

All formal responses to the Township's Declaratory Action and/or its Motion for Temporary Immunity must be filed in accordance with the Court Rules. Any public comments in lieu of formal action opposing the Township's Motion for Temporary Immunity must be submitted in writing no later than Monday, July 20, 2015 at 5:00 p.m.

EST. Such written comments shall set forth any reason(s) why the Court should <u>not</u> enter an Order granting the Township and its Planning Board immunity from <u>Mount Laurel</u> lawsuits. Be advised that, in the absence of formal action to achieve party status, the Court may decide not to consider any written public comments and, if they are considered, shall use its discretion on the probative weight to be given. Public comments shall be served upon:

Honorable Nelson C. Johnson, J.S.C. Superior Court of New Jersey 1201 Bacharach Boulevard Atlantic City, New Jersey 08401

Kimberly Johnson, Municipal Clerk Township of Mullica P.O. Box 317 Elwood, NJ 08217

Tracy A. Siebold, Esquire Mullica Twp. Solicitor Nehmad Perillo & Davis, PC 4030 Ocean Heights Avenue Egg Harbor Township, NJ 08234

Timothy Maguire, Esquire Mullica Twp. Planning Board Solicitor Maguire & Maguire 200 Jackson Avenue Northfield, NJ 08225

A copy of the Township's Declaratory Action and Motion for Temporary Immunity with supporting documentation is available for public inspection at the office of the Township of Mullica, City Clerk, 4528 White Horse Pike, Elwood, New Jersey 08217 during regular business hours.

S:\M\Mullica Township\Mat 11- Affordable Housing\Legal Notice.doc

EXHIBIT "B"



Nehmad Perillo & Davis, PC Counselors at Law

4030 Ocean Heights Avenue Egg Harbor Township, NJ 08234

July ____, 2015

t 609 927 1177 f 609 926 9721

www.npdlaw.com

Salvatore Perillo Stephen R. Nehmad

> Keith A. Davis * Eric S. Goldstein

Anthony M. Bongiovanni *

Description of the control of the co

Raymond J. Went, Jr. *
Michael R. Peacock *

Of counsel:

Re:

Tracy A. Siebold *
Kimberly A. Procopio
Vincent L. Lamanna, Jr.
*Also a member of PA BAR

Mount Laurel Declaratory Action and Notice of Motion For Temporary Immunity from Exclusionary Zoning Lawsuits

Cape May County Office:

2123 Dune Drive, Suite 2 P.O. Box 337 Avalon, NJ 08202 t 609 368 5500 f 609 368 6930

Reply to Atlantic County Address

Dear Sir/Madam:

Attached please find a form of public notice that the Township of Mullica is publishing in the *Hammonton Gazette*. This notice is self-explanatory. Copies of the relevant papers are on file and available for inspection at City Hall and with the New Jersey Superior Court, Law Division. In addition, if you, or your organization, are considering taking action in response to the attached notice, we would be happy, as a courtesy, to deliver these documents to you by way of email. To facilitate this process, please furnish us with an active email address with sufficient capabilities to accept large documentary attachments.

Very truly yours,

NEHMAD PERILLO & DAVIS, P.C.

By:_______

TRACY A. SIEBOLD

tsiebold@npdlaw.com

TAS/ch Enclosure

EXHIBIT "C"

COAH SERVICE LIST

Jim Brown, Mayor Township of Mullica P.O. Box 317 Elwood, NJ 08217

Lance B. Landgraf, PP, AICP LB Landgraf & Associates 9 S. Harvard Ave. Ventnor, NJ 08406

Kimberly Johnson, Municipal Clerk, Planning Board Secretary Township of Mullica P.O. Box 317 Elwood, NJ 08217

Jacqui Adam Allies, Inc. 1262 White Horse-Hamilton Sq. Rd. Building A, Suite 101 Hamilton, NJ 08690

Karl Hartkopf Office of Smart Growth, DCA 101 S. Broad St., PO Box 204 Trenton, NJ 08625

Elizabeth Semple NJDEP P.O. Box 402 Trenton, NJ 08625-0402 Larry Liggett NJ Pinelands Commission P.O. Box 7 New Lisbon, NJ 08064

Tracy A. Siebold, Esquire Nehmad Perillo & Davis, PC 4030 Ocean Heights Ave. Egg Harbor Township, NJ 08234

Joseph Maher Atlantic County Planning Route 9 & Dolphin Ave. Northfield, NJ 08225

Paul DosSantos Collaborative Support Program 11 Spring St. Freehold, NJ 07728

Robert Schober, Vice President Career Opportunity Dev. Inc. 901 Atlantic Ave. Egg Harbor, NJ 08215

Timothy Maguire, Esquire Maguire & Maguire 200 Jackson Avenue Northfield, NJ 08225

SUPREME COURT SERVICE LIST

David R. Oberlander, Esquire Bisgaier Hoff, LLC 25 Chestnut Street, Suite 3 Haddonfield, NJ 08033

Jonathan E. Drill, Esquire Stickel, Koenig & Sullivan 571 Pompton Avenue Cedar Grove, NJ 07009

Jeffrey Kantowitz, Esquire Law Office of Abe Rappaport 195 Route 46 West, Suite 6 Totowa, NJ 07512

Ronald C. Morgan, Esquire Parker McCay 9000 Midlantic Drive, Suite 300 Mount Laurel, NJ 08054-5054

Kevin J. Moore, Esquire Sills Cummis & Gross 650 College Road East Princeton, NJ 08536

Sean Thompson, Acting Executive Director New Jersey Council on Affordable Housing 101 S. Broad Street Trenton, NJ 08625

Kevin D. Walsh, Esquire Fair Share Housing Center 510 Park Blvd. Cherry Hill, NJ 08002 Stephen Eisdorfer, Esquire Hill Wallack 202 Carnegie Center, CN 5226 Princeton, NJ 08543

Henry L. Kent-Smith, Esquire Fox Rothschild Princeton Pike Corporate Center 997 Lenox Drive, Bldg. 3 Lawrenceville, NJ 08648

John F. Russo, Jr., Esquire Russo & Cassidy 16 Madison Avenue #1B Toms River, NJ 08753

Christopher Norman, Esquire Norman Kingsbury and Norman 30 Jackson Rd., Suite A-2 Medford, NJ 08055

Jeffrey R. Surenian, Esquire Jeffrey R. Surenian & Associates, LLC Brielle Galleria 707 Union Avenue, Suite 301 Brielle, NJ 08730

George Cohen, D.A.G. Geraldine Callahan, D.A.G. State of New Jersey Office of the Attorney General Dept. of Law & Public Safety – Division of Law 25 Market St., P.O. Box 112 Trenton, NJ 08625

Stuart A. Platt, Esquire Platt & Riso, P.C. 40 Berlin Avenue Stratford, NJ 08084 Catherine Weiss, Esquire Lowenstein Sandler, LLP 65 Livingston Avenue Roseland, NJ 07068

Connie M. Pascale, Esquire Legal Services of New Jersey 100 Metroplex Drive, Suite 402 P.O. Box 1357 Edison, NJ 08818-1357

Edward J. Buzak, Esquire The Buzak Law Group Montville Office Park 150 River Road, Suite N-4 Montville, NJ 07045 Lawrence S. Lustberg, Esquire Gibbons, P.C. One Gateway Center Newark, NJ 07102-5310

Ronald K. Chen, Esquire Center for Law and Justice Rutgers, The State University of NJ 123 Washington Street Newark, NJ 07102

REGION 6 SERVICE LIST

Edward Barocas, Jeanne Locicero Alexander Shalom ACLU of NJ Foundation 89 Market St. PO Box 32159 Newark, NJ 07102

Affordable Homes of Millville Ecumenical Inc. (AHOME) P.O. Box 241 Millville, NJ 08332

Community Quest 6814 Tilton Road Egg Harbor, NJ 08234

Center for Family Services 250 Delsea Drive Glassboro, NJ 08028

Habitat for Humanity Cumberland County NJ 610 E. Landis Ave. Vineland, NJ 08630

Fair Share Housing Center 510 Park Boulevard Cherry Hill, NJ 08002

Family Service 770 Woodlane Road Westhampton, NJ 08060

Housing & Economic Opportunities, Inc. 216 Haddon Avenue Collingswood, NJ 08108

Pathstone 78 W. Landis Avenue Vineland, NJ 08360 Martin F. McKernan, Jr., Esquire Law Offices of McKernan, McKernan & Godino 113 N. Sixth St. Camden, NJ 08102-1207

Bethel Development Corp P.O. Box 784 Millville, NJ 08332-5340

Consumer Credit & Budget Counseling, Inc. 299 Route 9 Marmora, NJ 08223

Clarifi 299 South Shore Road Marmora, NJ 08230

Diocesan Housing Services Corp of the Diocese of Camden 631 Market Street Camden, NJ 08102

Fair Share Housing Development Inc. 510 Park Blvd Cherry Hill, NJ 08002

Heart of Camden 1840 Broadway Camden, NJ 08104

Millville Housing Authority 1153 Holly Berry Lane Millville, NJ 08332

Paulsboro Community Development Center 1540 Swedesboro Avenue Paulsboro, NJ 08006 Saint Joseph's Carpenter Society 20 Church Street Camden, NJ 08105

Tri-County Community Action Partnership Inc. 110 Cohansey Street Bridgeton, NJ 08302 The Affordable Homes Group P.O. Box 249 Mount Holly, NJ 08060

VOADV Property Inc./VOA Delaware Valley 235 White Horse Pike Collingswood, NJ 08107