

**TOWNSHIP OF FREEHOLD**  
**DOCKET NO.: MON-L-6026-08**  
**PUBLIC NOTICE OF “FAIRNESS HEARING” TO APPROVE**  
**AGREEMENT BETWEEN TOWNSHIP OF FREEHOLD AND**  
**WYNDHAM PLACE AT FREEHOLD CONDOMINIUM ASSOCIATION,**  
**INC.**

**PLEASE TAKE NOTICE** that a “Fairness Hearing” will be held on November 15, 2024 at 10:00 a.m. before the Honorable Linda Grass Jones, J.S.C., Superior Court of New Jersey, Law Division, at the Monmouth County Superior Court of New Jersey, 14 Monument Street, Chambers 221S, Freehold, NJ 07728 to consider a proposed settlement between the Township of Freehold (hereinafter “Township”) and Wyndham Place at Freehold condominium Association, Inc. (hereinafter “Wyndham”) in In the Matter of the Application of the Township of Freehold, Docket Number MON-L-6026-08. Through this judicial proceeding, the Court will evaluate whether the proposed Settlement Agreement is fair and reasonable to the region’s very-low, low, and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Tp., 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).

The agreed upon terms of the settlement include, but are not limited to:

Within six (6) months of the execution of this Agreement, the Township shall implement an Income Qualification and Owner Occupancy Verification Process (the “Income and Occupancy Process”) with respect to all Affordable Units to ensure that (i) each Affordable Unit qualifies as a very low-, low- or moderate-income household and (ii) each Affordable Unit is owner occupied. In no event shall any current owner, as of the date of the agreement, be re-income certified in a period of time less than 5 years from the purchase of their unit. The Income and Occupancy Process shall be conducted by a qualified administrative agent, agreed upon by the Parties (the “Administrative Agent”), with the Township to bear all related costs and expenses. The Administrative Agent shall income certify households found to be beneath the moderate-income limit, and the Income and Occupancy Process shall be completed for all income certified households every five (5) years.

Upon completion of each Income and Occupancy Process, the Association shall immediately increase the maintenance assessments for all Affordable Units of owners who (i) do not fall below the moderate-income limitation, (ii) fail to participate and cooperate fully in the Income and Occupancy Process or (iii) fail to occupy the Affordable Unit (collectively referred to as “Non-Qualifying Units”).

The maintenance assessments for the Non-Qualifying Units shall be immediately increased to the assessment amount applicable to a market rate Unit of equal square footage. Thereafter, assessments for the Non-Qualifying Units shall be calculated pursuant to the formula for calculating market rate Unit assessments that is set forth in the Association’s Master Deed and any amendments thereto. Wyndham and Township expressly recognize that Non-Qualifying Unit owners who become subject to market rate assessments will continue to benefit from the purchase prices at which they acquired the Affordable Units and lower taxes as a result of lower assessed values.

The maintenance assessments for Affordable Units that are income certified and verified as owner occupied following the Income and Occupancy Process shall be increased at a rate of thirteen and one-third (13 1/3%) per year for the next seven and a half (7 ½ ) years, with the maintenance assessments set to the assessment amount applicable to market rate Units of equal square footage at the expiration of the seven and one-half years. Thereafter, assessments for the income certified, owner-occupied Affordable Units shall be calculated pursuant to the formula for calculating market rate Unit assessments that is set forth in the Association's Master Deed and any amendments thereto.

Upon resale of any Affordable Unit, the maintenance assessment shall be increased to the assessment amount applicable to a market rate Unit of equal square footage and shall thereafter be calculated pursuant to the formula for calculating market rate Unit assessments that is set forth in the Association's Master Deed and any amendments thereto. The Administrative Agent shall perform an affordability analysis at each resale. If the home is not affordable at the current mortgage rate, taxes and market assessments, the Township shall pay the seller a subsidy in the amount of the Maximum Restricted Sale Price less the "affordable price." The number of affected homes and subsidy amounts will vary based upon the prevailing interest rates, taxes and assessments. Notwithstanding these or any other variables, the Township agrees to be responsible for payment of the subsidy.

Notwithstanding any of the foregoing, nothing in the proposed agreement authorizes the Condominium Association to take any steps that are inconsistent with the Condominium Act. In addition and notwithstanding any of the foregoing, nothing in the proposed agreement authorizes the Condominium Association to take any steps that are inconsistent with the existing Master Deed unless and until the Master Deed is modified by way of court order through this Hearing.

The proposed settlement will allow for the equalization of fees in a fair and equitable manner for both the market rate and affordable unit owners based on square footage and importantly will maintain the affordable status of the units.

The executed Settlement Agreement has been placed on file for public inspection and copying during regular business hours at the office of the Township Clerk, One Municipal Plaza, Freehold NJ 07728. You may contact the Township Clerk at 732-294-2010 or by email: [sabouzeina@twp.freehold.nj.us](mailto:sabouzeina@twp.freehold.nj.us), during normal business hours to request a copy of the documents. In addition, you may contact the Township's affordable housing counsel, Michael J. Edwards, Esq. or his paralegal Laura Nelson at 732-612-3100, to request a copy of this document.

Any interested party, including any low- or moderate-income person residing in the housing region, any member of the Homeowner's Association, any organization representing the interests of low- and moderate-income persons, any owner of property in the Township of Freehold, or any organization representing the interests of owners of property in the Township of Freehold may file written comments on, or objections to, the Settlement Agreement. All objections should provide: (1) a clear and complete statement as to each aspect of the Township's Settlement Agreement contested by the objector; (2) an explanation of the basis for each objection; and (3) copies of any and all expert reports, studies, or other data relied upon by the objector.

If an interested person or party intends to present testimony (whether expert or factual) or arguments at the hearing as to the fairness of the Settlement Agreement, such comments or

objections, together with copies of any and all supporting affidavits or other documents, **should be submitted in writing**, on or before October 30, 2024 at 4:30 p.m., to the Honorable Linda Grasso Jones, J.S.C. at the Monmouth County Superior Court, 14 Monument Street, Chambers 221S. Freehold, NJ 07728, with copies of all papers being forwarded by mail and e-mail by that date to:

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This Notice is intended to inform all interested parties of the existence of the proposed Settlement Agreement and the possible consequences of Court approval of the Settlement Agreement. It does not indicate any view by the Court as to the fairness, reasonableness, or adequacy of the proposed settlement, or whether the Court will approve the settlement. This Notice does not express any view by the Court, the Court Adjudicator, the Township, or Developer as to whether the Court will approve the manner by which the Township proposes to satisfy its fair share.

**PREPARED BY THE COURT**

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In the Matter of the Application of  
the Township of Freehold, County  
of Monmouth,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY  
DOCKET NO.: MON-L-6026-08

**CIVIL ACTION**

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**AMENDED  
CASE MANAGEMENT ORDER**

A Case Management Conference was held on September 9, 2024 via **TEAMS** before the Honorable Linda Grasso Jones, J.S.C. with all counsel and the court's Special Adjudicator, Frank Banisch participating, it is hereby **ORDERED** on this 9<sup>th</sup> day of September, 2024 as follows:

1. A Supplemental Fairness Hearing in the above matter will be held on **November 15, 2024 beginning at 10:00 a.m.** in person at the Monmouth County Courthouse, 71 Monument Park, Freehold, New Jersey in Courtroom 221S before the Hon. Linda Grasso Jones, J.S.C.
2. Counsel for the Township of Freehold shall prepare and circulate among the Special Adjudicator, all parties to this matter and all participating counsel a form of order for the newspaper publication on or before **October 1, 2024** providing for the hearing and due dates for submissions, as set forth herein.
3. By **Wednesday, October 9, 2024**, counsel for the Township of Freehold shall publish in a newspaper of general circulation in the County of Monmouth and the Township of Freehold the signed order providing for the schedule of notice, opposition, response and Special Adjudicator's report and in the above matter and make arrangements for the notice to be published on the Township's website by this date.
4. By **Wednesday, October 9, 2024** the Township shall make available for review the documents upon which the Township is relying at the Supplemental Fairness Hearing in the above matter.
5. Objections, if any, to the proposed settlement shall be provided to the Township of Freehold, the court, the Special Adjudicator and to all parties by **Monday, October 30, 2024**.

6. Responses by the Township of Freehold or any other party to objections shall be provided to the court, the Special Adjudicator and to all parties by **Monday, November 4, 2024**.
7. The Special Adjudicator's report shall be provided to the court and all parties by **Monday, November 11, 2024**.

*/s/ Linda Grasso Jones, J.S.C.*  
HON. LINDA GRASSO JONES, J.S.C.