

RESOLUTION NO.: 2014 - 42

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY PROMOTING THE ADEQUATE SUPPLY OF LOW AND MODERATE INCOME HOUSING WITHIN THE BOROUGH IN ACCORDANCE WITH N.J.A.C. 5:80-26.25

WHEREAS, N.J.A.C. 5:80-26.25(a) provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2"; and

WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, the municipality's resolution must specify the time period for which the repayment option shall not be applicable, and that during such period, no seller in the municipality may utilize the repayment option permitted by N.J.A.C. 5:93-9.8; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b) a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and COAH of its governing body's action; and

WHEREAS, the municipality's administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

WHEREAS, N.J.A.C. 5:80-26.25 is the successor regulation to N.J.A.C. 5:93-9.9, effective January 5, 1998, and N.J.A.C. 5:92-12.8, effective July 17, 1989; and

WHEREAS, the Master Deed for Seasons Glenn at Mount Arlington Condominium Association, Inc., is dated November 14, 1991, recorded November 15, 1991, and as amended, in the office of Morris County Registrar in Deed Book 3515, Page 138, et seq.; and as further amended in Deed Book 3544, Page 153, Deed Book 3612, Page 212; Deed Book 3684, Page 133; Deed Book 3787, Page 126; Deed Book 3872, Page 49; Deed Book 4117, Page 242; Deed Book 4515, Page 106; Deed Book 5321, Page 295; Deed Book 5647, Page 214; Deed Book 5903, Page 301; Deed Book 5938, Page 5; Deed Book 6059, Page 57; Deed Book 20557, Page 1297; Deed Book 20832, Page 869; Deed Book 21491, Page 1530; Deed Book 21667, Page 139 and any further amendments thereto (the "Master Deed"); and

WHEREAS, the condominium development includes approximately 103.352 ± acres and consists of five hundred ninety one (591) total condominium units, of which fourteen (14) total units are restricted to low and moderate income households as defined by N.J.A.C. 5:80-26.2, and which are currently identified on the official tax map of the Borough of Mount Arlington as follows:

	BLOCK	LOT	UNIT	STREET ADDRESS
1.	61	23.09	C1836	58 Crestview Lane
2.	61	23.09	C1838	60 Crestview Lane
3.	61	23.09	C1839	61 Crestview Lane
4.	61	23.10	C2412	59 Maple Lane
5.	61	23.10	C2414	63 Maple Lane
6.	61	23.10	C2415	65 Maple Lane
7.	61	23.10	C2422	69 Maple Lane
8.	61	23.10	C2424	73 Maple Lane
9.	61	23.10	C2425	75 Maple Lane
10.	61	23.10	C4831	36 Spruce Terrace
11.	61	23.10	C4833	40 Spruce Terrace
12.	61	23.12	C8526	20 Brookside Lane
13.	61	23.12	C8528	24 Brookside Lane
14.	61	23.12	C8529	34 Brookside Lane

(hereinafter the "Units"); and

WHEREAS, Article XVII of the Master Deed provides that all of the Units are subject to the resale and rental controls of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the regulations of COAH, N.J.A.C. 5:92-12 et seq., and the Ordinances of The Borough of Mount Arlington (the "Controls"); and

WHEREAS, the "Controls" were initially to extend to the first non-exempt sale after twenty (20); thirty (30); and in perpetuity years from the later of the date a Certificate of Occupancy is issued or the date upon which a closing and transfer from the Sponsor to the initial purchaser of any Unit; and

WHEREAS, closings on the Units first commenced in October 1992; and

WHEREAS, the Borough of Mount Arlington has determined that the most desirable means of promoting an adequate supply of low and moderate income housing in the Borough pursuant to N.J.A.C. 5:80-26.25 is to prohibit the exercise of any repayment option on the Units and to maintain the Controls on the Units for a longer period than the initial delineated years.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mount Arlington, New Jersey, that:

1. The Repayment Option shall not be permitted from the date of this Resolution until thirty (30) years.
2. The Controls are hereby extended until thirty (30) years after the initial expiration and during this period of extended Controls no seller of any of the Units may utilize the repayment option as permitted by N.J.A.C. 5:93-9.8.

3. The Clerk is authorized and directed to print this Resolution in full in the official newspaper of the Borough of Mount Arlington and to notify the administrative agent and COAH of the Borough's action.
4. The administrative agent shall ensure the deed restriction on all affected Units extends until thirty (30) years after the initial expiration.
5. This Resolution shall evidence pursuant to N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and that the Borough of Mount Arlington is entitled to fourteen (14) COAH credits to address a portion of its third round growth share obligation through the extension of affordability controls in accordance with N.J.A.C. 5:97-9 and UHAC.
6. Sale and use of the Units is governed by UHAC, found in the New Jersey Administrative Code at Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, et seq., the "Regulations") and any amendments, changes or supplements thereto.
7. All of the restricted Units shall remain subject to the requirements of N.J.A.C. 5:80-26.5, as may be amended and supplemented from time to time, during the extended Control period until the Borough elects to release the Units from such requirements.

I HEREBY CERTIFY this to be a true and correct Resolution of the Borough Council of the Borough of Mount Arlington and adopted on March 4, 2014.

Approved:



Arthur R. Ondish, Mayor

Attest:



Linda DeSantis, RMC, Borough Clerk