

RESOLUTION 2019 – 122

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY REQUESTING THE COURT TO REVIEW AND APPROVE AN AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the New Jersey Supreme Court held in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)*, that the COAH administrative process had become non-functioning and as a result, returned primary jurisdiction over affordable housing matters to the trial court; and

WHEREAS, in doing so, the Supreme Court established a transitional process for municipalities, like Borough of Mount Arlington, that participated in the administrative process before COAH to file a declaratory judgment action with the trial court seeking to declare their Housing Element and Fair Share Plans as being constitutionally compliant and seeking similar protections to those that the participating municipalities would have received if they had continued to proceed before the court; and

WHEREAS, the Borough of Mount Arlington filed its declaratory judgment action in the Superior Court of New Jersey, Morris County, on July 7, 2015, under Docket Number MRS-L-1657-15; and

WHEREAS, the Borough thereafter settled its declaratory judgment action with the Fair Share Housing Center (“FSHC”) and the terms of that settlement were memorialized in an agreement dated June 12, 2018 pursuant to Resolution 2018-98, a copy of which is incorporated herein as if set forth at length; and

WHEREAS, at the conclusion of the Fairness Hearing held on August 10, 2018, the Honorable MaryAnn L Nergaard, J.S.C., found that the settlement agreement between the Borough and FSHC is fair and adequately protects the interests of low and moderate income persons within the Borough’s housing region subject to the Court’s approval by way of a final compliance hearing, scheduled for August 9, 2019; and

WHEREAS, paragraph 16 of the settlement agreement with FSHC provides that the Borough “shall file with the court and FSHC an updated spending plan (valid through 2025), and which shall incorporate all of the requirements of the within agreement (‘The 2019 Spending Plan’). The 2019 Spending Plan shall be substantially in a form approved by FSHC and shall be subject to the review and approval of the court and FSHC”; and

WHEREAS, Borough Planner Jessica C. Caldwell, P.P., A.I.C.P., prepared the Borough’s Spending Plan, a copy of which is incorporated herein as if set forth at length; and recommended its adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mount Arlington in the County of Morris, State of New Jersey, as follows:

1. The Mayor and Borough Council hereby approve the Spending Plan described in the preamble, subject to court approval.
2. The Borough Attorney is hereby directed to submit the draft Spending Plan to the Court and seek the Court's approval.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

I HEREBY CERTIFY this to be a true and correct Resolution of the Borough Council of the Borough of Mount Arlington and adopted on July 9, 2019.

Approved:



Michael Stanzilis, Mayor

Attest:



L. Dwyer, Acting Borough Clerk