

RESOLUTION 2019-123

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A MUNICIPAL ADMINISTRATIVE AGENT PURSUANT TO ARTICLE XVII AFFORDABLE HOUSING OBLIGATIONS, CHAPTER 17 LAND DEVELOPMENT

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, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., hereinafter the “Act”) the Municipality implemented a program to provide affordable housing units to low and moderate income households desiring to live within the Borough; and

WHEREAS, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low and moderate income units that are created under the Act are occupied by low and moderate income households for an appropriate period of time (the “Rules”); and

WHEREAS, Section 5:80-26.14 of the Rules provides that affordability controls shall be administered by an Administrative Agent acting on behalf of a municipality; and

WHEREAS, the Borough has selected Linda Gargiulo, HAS Compliance Officer, NJHMFA/HAS, Single Family Division, 637 S. Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085 to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality, as included in this Resolution; and

WHEREAS, the Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as are set forth in the Borough Code and the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mount Arlington, in the County of Morris and State of New Jersey, that NJFMA Linda Gargiulo, HAS Compliance Officer, NJHMFA/HAS, Single Family Division, 637 S. Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085 is hereby appointed as the Administrative Agent for the administration of the affordable housing program for units for sale.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Mount Arlington that at such time as affordable rental units are developed in the Borough, an Administrative Agent for the purposes of providing affordable rental unit administration shall be appointed. This may be in addition to or in place of NJHMFA as the Borough's agent.

This Resolution shall take effect immediately.

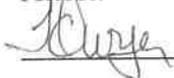
I HEREBY CERTIFY this to be a true and correct Resolution of the Borough Council of the Borough of Mount Arlington and adopted on July 9, 2019.

Approved:



Michael Stanzilis, Mayor

Attest:



L. Dwyer, Acting Borough Clerk