

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

RESOLUTION NO. 17-152

**RESOLUTION AUTHORIZING SETTLEMENT OF THE TOWNSHIP OF
WASHINGTON'S DECLARATORY JUDGMENT ACTION INVOLVING ITS
AFFORDABLE HOUSING OBLIGATIONS UNDER APPLICABLE LAW**

WHEREAS, the N.J. Supreme Court rendered its decision with respect to affordable housing obligations of municipalities throughout the State of New Jersey (the "Mount Laurel doctrine") in *In re N.J.A.C. 5:96 and 5:97*, 221 N.J. 1 (2015) ("*Mount Laurel IV*"); and

WHEREAS, the Township of Washington (the "Township") filed a declaratory judgment action in the Superior Court of New Jersey (the "Superior Court") on June 29, 2015 [*In the Matter of the Application of the Township of Washington*, Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6067-15, and referred to herein as the "Township D/J Action"], seeking a declaration of its current and ongoing compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.* in accordance with *Mount Laurel IV*; and

WHEREAS, Fair Share Housing Center ("FSHC") FSHC, is a N.J. Supreme Court-designated interested party in the Township D/J Action, and has participated therein as an adverse party on behalf of the interests advanced by FSHC; and

WHEREAS, the Superior Court appointed Mary Beth Lonergan, P.P., A.I.C.P. as Special Master (the "Special Master") to assist the Court in the process of determining the Township's affordable housing obligations in accordance with *Mount Laurel IV* and addressing actions and techniques to satisfy such obligations; and

WHEREAS, FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan (the "Plan") consistent with the terms of that certain negotiated Settlement Agreement between FSHC and the Township (the "FSHC Settlement Agreement"), and the implementation of the Plan and the terms of the FSHC Settlement Agreement, satisfies the Township's obligations under the Mount Laurel doctrine and the *Fair Housing Act of 1985*, N.J.S.A. 52:27D-301 *et seq.*, for the first, second and third rounds applicable to COAH and *Mount Laurel IV*; and

WHEREAS, Franklin Court, LLC ("Franklin") is the owner and/or contract purchaser of property within the Township, which property is identified on the Township tax map as Block 1102, Lots 1.04, 2, 9 and 11 (the "Franklin Site"), on which Franklin proposed to develop multi-family housing which would include affordable housing units and other affordable housing elements as a part of said development; and

WHEREAS, the Township and Franklin have negotiated that certain Settlement Agreement between Franklin and the Township (the "Franklin Settlement Agreement") upon which basis Franklin intends to intervene in the Township D/J Action;

WHEREAS, the FSHC Settlement Agreement is predicated on execution of the Franklin Settlement Agreement, and acceptance thereof by the Superior Court at a Fairness Hearing to be conducted by the Superior Court; and

WHEREAS, the Special Master has approved the FSHC Settlement Agreement and the Franklin Settlement Agreement, and FSHC has agreed to the terms of the Franklin Settlement Agreement as well as the FSHC Settlement Agreement; and

WHEREAS, the Township Council has determined that it is in the best interests of the Township to resolve the Township D/J Action by the provisions set forth in the FSHC Settlement Agreement and the Franklin Settlement Agreement which address the Township's constitutional obligations with respect to affordable housing in accordance with the Mount Laurel doctrine as implemented by the N.J. Supreme Court;

NOW, THEREFORE, be and it is hereby resolved as follows:

1. The terms of the FSHC Settlement Agreement are hereby approved and the Mayor is hereby authorized to execute same on behalf of the Township.
2. The terms of the Franklin Court Settlement Agreement are hereby approved and the Mayor is hereby authorized to execute same on behalf of the Township.
3. In furtherance of the terms of the FSHC Settlement Agreement and the Franklin Settlement Agreement, and with the concurrence of the Special Master, the Township representatives are hereby authorized to proceed with a Fairness Hearing before the Superior Court in connection with the Township's D/J Action.

ATTEST:

APPROVED:
TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WASHINGTON



Susan Witkowski
Township Clerk

BY



Robert Bruno
Council President

DATED:

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno		X		
Calamari		Calamari		Calamari	X			
Cascio	X	Cascio		Cascio	X			
Sears		Sears	X	Sears	X			
Ullman		Ullman		Ullman		X		