

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

RESOLUTION NO. 17 -270

**ENDORSEMENT OF HOUSING ELEMENT AND  
FAIR SHARE PLAN**

WHEREAS, the New Jersey Supreme Court, in the case entitled *In re N.J.A.C. 5:96 and 5:97*, 221 N.J. 1 (2015) and commonly referred to as *Mt. Laurel IV*, declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each municipality must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, including those of low and moderate income, and that this constitutional obligation requires that all municipalities must provide a realistic opportunity for the construction of their fair share of the present and prospective regional need for low and moderate income housing; and

WHEREAS, as part of *Mt. Laurel IV*, the New Jersey Supreme Court determined that, after many opportunities, the Council on Affordable Housing (COAH) had failed to meet its legislative obligation to promulgate rules establishing municipal affordable housing obligations and compliance mechanisms for meeting those obligations, and proceeded to refer the process to the courts to resume their role as the forum for evaluating municipal compliance with Mount Laurel obligations; and

WHEREAS, on July 1, 2015, the Township of Washington ("Township") filed a declaratory judgment action in the Superior Court of New Jersey in accordance with the principles espoused by the New Jersey Supreme Court in *Mt. Laurel IV*, which action was resolved pursuant to settlement agreements approved by the Township Council and which were entered into with participating parties Fair Share Housing Center and Franklin Court, LLC, and such settlements were thereafter approved by the Superior Court at a Fairness Hearing conducted on May 11, 2017, which was open to the public and to all interested parties; and

WHEREAS, the Township caused to be prepared a Housing Plan Element and Fair Share Plan dated July 26, 2017 (inclusive of an Errata sheet reflecting requirements of the special court master in the Township's declaratory judgment action), in accordance with the approved settlement terms, and same was duly entered into evidence before the Township Planning Board at a public meeting held on July 26, 2017, in accordance with all notice requirements, where the Planning Board reviewed and considered the Master Plan Amendment Housing Plan Element and Fair Share Plan report; and

WHEREAS, on July 26, 2017, the Township Planning Board adopted a resolution approving the Master Plan Amendment Housing Plan Element and Fair Share Plan report dated July 26, 2017, after finding and concluding that the Master Plan Amendment Housing Plan Element and Fair Share Plan dated July 26, 2017, was in conformity with the settlement agreements and was in conformity with the Township's affordable housing obligations as approved by the Superior Court at the Fairness Hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby approves and endorses the Master Plan Amendment Housing Plan Element and Fair Share Plan dated July 26, 2017 adopted by the Township Planning Board and all of its constituent components to address and provide for the Township's Mount Laurel obligations.

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
Susan Witkowski  
Township Clerk

BY   
Robert Bruno  
Council President

DATED: August 7, 2017

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