

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF OCEAN EXPRESSING ITS INTENT TO PROVIDE THE FUNDS NECESSARY TO SATISFY THE TOWNSHIP'S AFFORDABLE HOUSING PLAN

WHEREAS, pursuant to the Case Management Order entered by Honorable Paul A. Kapalko, J.S.C. on May 11, 2011, the Township was required to adopt and endorse its Housing Element and Fair Share Plan (hereinafter "Affordable Housing Plan") and to file same with the Court no later than July 31, 2011; and

WHEREAS, on June 27, 2011, the Township Planning Board adopted under protest its Affordable Housing Plan, which the Township contends fully addresses the prior cycle and rehabilitation "fair share" imposed on Ocean by the New Jersey Council On Affordable Housing (hereinafter "COAH"); and

WHEREAS, on July 6, 2011, the Township Council held a properly-noticed public meeting to consider endorsing the Affordable Housing Plan adopted under protest by the Planning Board on June 27, 2011 and, after considering of any questions or concerns raised by members of the governing body or the public, the Township Council determined that it is in the best interest of the Township and the region's low and moderate income households to endorse under protest said Affordable Housing Plan and to direct the Township's professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Judgment of Compliance and Repose to protect the Township from any unnecessary Mount Laurel lawsuits; and

WHEREAS, the Township's Affordable Housing Plan is comprised of (1) a Rehabilitation Program to be administered by the County of Monmouth; (2) expansion of the existing age-restricted , affordable housing development at Poplar Village; (3) reconstruction of existing senior affordable units at Poplar Village; (4) a "Market to Affordable" Program; and (5) possibly one or more 100 percent affordable municipality-sponsored projects; and

WHEREAS, pursuant to COAH's regulations and policies, in order to assure the creditworthiness of the various compliance techniques included in its Affordable Housing Plan, the Township must demonstrate adequate and stable funding sources; and

WHEREAS, since the Township is committed to securing judicial approval of its Affordable Housing Plan, in order to provide an adequate and stable funding source for the components of the Township's Affordable Housing Plan, the Township shall rely on the various funding sources included in COAH's publication entitled "A Guide to Affordable Housing Funding Sources" ("Funding Guide"), dated October 28, 2008, and currently posted on COAH's official website; and

WHEREAS, to assist in generating revenue to be utilized for the production of affordable housing via the Township's Affordable Housing Trust Fund, on May 16, 2011, the Township adopted a Mount Laurel Development Fee Ordinance; and

WHEREAS, if the Township still cannot secure sufficient financing to completely satisfy its affordable housing obligations after exhausting every potential non-municipal funding source and funds paid by developers to the Township's Mount Laurel trust fund, the Township will cover such costs through bonding or other lawful means; and

WHEREAS, the Township's commitment to cover such costs through bonding or other lawful means is without prejudice to the current challenges to COAH's regulations for violating Section 311d of the FHA; and

WHEREAS, the Court has indicated its intent to review the Township's Affordable Housing Plan, and the Township wishes to leave no question as to the Township's intent to cover the cost of implementing its affordable housing plan or any modification thereof that may be necessary as a result of the Court's review.

NOW, THEREFORE, BE IT RESOLVED by Council of the Township of Ocean, County of Monmouth, State of New Jersey, as follows:

1. In order to provide adequate and stable funding for the various compliance techniques in its Affordable Housing Plan, Ocean Township shall make a bona fide, diligent, and good faith effort to work with the implementers of various components identified above

to exhaust the potential funding sources included in “A Guide to Affordable Housing Funding Sources” (“Funding Guide”), dated October 28, 2008, and currently posted on COAH’s official website.

2. The Township shall also maximize use of the funds from its Affordable Housing Trust Fund to facilitate the economic feasibility of the Township’s Affordable Housing Programs; and
3. If, after exhausting every potential funding source in the Funding Guide and its Affordable Housing Trust Fund, the Township still cannot secure sufficient financing to completely satisfy its affordable housing obligations, the Township will fully fund any gaps in financing the various components of its Affordable Housing Plan through bonding or other lawful means.
4. The Township reserves the right to recoup any subsidy provided through future collection of development fees or payments in lieu of the construction of affordable housing, as such funds become available.
5. Further, the Township expressly reserves the right to take any other legal action, including amending its approved Housing Element and Fair Share Plan to include valid compliance techniques that do not force the Township to expend public funds.
6. The sole purpose of this financial commitment and voluntary fiscal exposure is to satisfy current COAH regulations and policies and, should the rules, regulations, statutes, or policies change subsequent to the adoption of this Resolution, the Township expressly reserves the right to modify or possibly rescind such commitments.
7. This commitment is expressly subject to modification in the event of a change in law as a result of the decision by the Supreme Court in In re Adoption Of N.J.A.C. 5:96 and 5:97 By New Jersey Council On Affordable Housing, Supreme Court Docket No. 67, 126, the enactment of legislation reforming the Mount Laurel doctrine, adoption by COAH of new regulations, or as a result of any other change in law.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **August 8, 2011**.*

 Vincent Buttiglieri, RMC/CMC/MMC
 Township Clerk