

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 18-112

**AUTHORIZING SETTLEMENT OF DECLARATORY JUDGMENT ACTION
TO ESTABLISH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING
OBLIGATION**

WHEREAS, the Township Committee of the Township of Upper Deerfield has authorized the filing of litigation in the nature of a declaratory judgment seeking to have its third round obligation for providing a realistic opportunity for affordable housing established, and

WHEREAS, the said litigation was filed in the Superior Court of New Jersey and is known as In the Matter of the Application of the Township of Upper Deerfield for a Judgment of Compliance, under docket number CUM-L-17-17, and

WHEREAS the Township has been actively engaged in settlement discussions with the Fair Share Housing Center ("FSHC") which is the primary entity involved in such matters seeking to provide affordable housing within the state, and

WHEREAS settlement discussions, with the help of the Court's Special Master, have reached a stage where the Township and FSHC have reached tentative agreement on the number of affordable units for the third round that will be required to be addressed by the Township, as well as the potential rezoning of certain areas within the Township in order to provide a realistic opportunity to provide such housing, and

WHEREAS the number of needed affordable housing units tentatively agreed upon is 280 affordable units exclusive of any existing credits, and the properties involved in potential rezoning in order to provide such units are identified as portions of the following lots: Block 1901, lots 15, 15.03 and 16; Block 1808, lots 2, 3, 4, 16, 17 & 19; and Block 1208, lot 1.02, and

WHEREAS the Township and FSHC, in order to proceed further to finalize a settlement, and present same to the Court for approval, require that the Township adopt a resolution authorizing a final settlement on the above terms with the understanding that a formal settlement agreement will be negotiated and prepared based on the above facts, and

WHEREAS, the Township Committee has determined that the aforementioned proposed settlement is fair and reasonable under the circumstances and is in the best interests of the Township.

NOW THEREFORE BE IT RESOLVED as follows:

1. The tentative terms of the aforementioned proposed settlement of the affordable housing litigation are acceptable to the Township and approved based on the number of units agreed upon (280 units exclusive of credits to be applied) and the proposed properties to be rezoned as stated above, and
2. The Township Solicitor is hereby authorized to negotiate a detailed formal settlement agreement with FSHC based on the above referenced terms and present it to the Township Committee for review, consideration and approval prior to presentation to the Superior Court for a fairness hearing.

Moved By: Bruce Peterson

Seconded By: John Daddario

VOTING

James P. Crilley
John L. Daddario
John T. O'Neill, Sr
Bruce T. Peterson
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held May 17, 2018.

Roy J. Spoltore, Township Clerk