

CITY OF ENGLEWOOD

RESOLUTION #268-08-08-23

RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE CITY PLANNING BOARD ON APRIL 27, 2023 WITH A MEMORIALIZING RESOLUTION ADOPTED ON JULY 27, 2023

WHEREAS, the New Jersey Supreme Court issued a decision on March 10, 2015 in the case captioned In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015), which transferred primary jurisdiction over affordable housing matters from the Council on Affordable Housing (“COAH”) to the trial courts; and

WHEREAS, on or about May 30, 2019, the City of Englewood (“City”) filed a Complaint for Declaratory Judgment in the New Jersey Superior Court, Law Division, captioned In the Matter of the Application of the City of Englewood, Docket No. BER-L-4069-19, seeking Declaratory Judgment and Substantive Certification regarding the satisfaction of its fair share housing obligation; and

WHEREAS, the City simultaneously sought, and ultimately secured, a protective order providing the City immunity from all Mount Laurel lawsuits while it pursued approval of its HEFSP, which is still in full force and effect; and

WHEREAS, the Court also appointed Francis J. Banisch, III, PP/AICP, as the Special Master, as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, the City negotiated and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") dated November 1, 2022, which includes agreement on the extent of the City's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the City intends to use to satisfy the obligation; and

WHEREAS, a Fairness Hearing was held on January 10, 2023, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on January 20, 2023; and

WHEREAS, as per the terms of the FSHC Settlement Agreement and the Court's January 20, 2023 Order, the City's Affordable Housing Planner prepared a HEFSP which is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on and approved the HEFSP on April 27, 2023, and adopted a Memorializing Resolution on July 27, 2023; and

WHEREAS, a true copy of the Resolution of the Planning Board adopting the HEFSP is attached hereto as Exhibit B; and

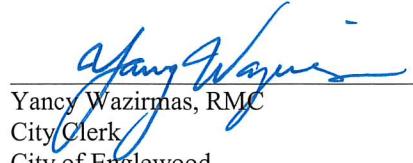
WHEREAS, the City Council determined that the HEFSP is consistent with the Settlement Agreement between the City and FSHC and desires to endorse the HEFSP adopted by the Planning Board on April 27, 2023 with the Memorializing Resolution on July 27, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Englewood, County of Bergen, State of New Jersey as follows:

1. The HEFSP attached hereto as Exhibit A, as adopted by the Planning Board on April 27, 2023 with the Memorializing Resolution adopted on July 27, 2023, which Resolution is attached hereto as Exhibit B, is hereby endorsed.
2. The City professionals are hereby authorized and directed to file with the Court the HEFSP, the Resolutions of the Planning Board and City Council adopting and endorsing, respectively, the HEFSP, and any additional documents the professionals deem necessary or desirable.
3. The City professionals are hereby authorized and directed to seek Court approval of the HEFSP at a Final Compliance Hearing.
4. The City reserves the right to amend the HEFSP, should that be necessary.
5. This Resolution shall take effect immediately.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Cobb</i>		X			
<i>Maron</i>		X			
<i>Rosenzweig</i>		X			
<i>Wilson</i>	X	X			
<i>Wisotsky</i>		X			

I, Yancy Wazirmas, Clerk of the City of Englewood, County of Bergen, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Governing Body at the August 8, 2023 Meeting.


 Yancy Wazirmas, RMC
 City Clerk
 City of Englewood