

RESOLUTION NO. 2016 – 141

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG
HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY
URGING THE ADOPTION OF S2254/A3821 TO CLARIFY
MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities, including Little Egg Harbor, filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, pursuant to the FHA and existing case law “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, on February 18, 2016, the Ocean County Superior Court issued a decision that included, as a separate and discrete component, the affordable housing need that arose during the “gap period” of 1999-2015 which is separate and apart from the normal 10 year present and prospective need set forth in the FHA; and

WHEREAS, this decision is currently under appeal with the Appellate Division hearing oral argument on the legality of the “gap period” on June 6, 2016; and

WHEREAS, the affect of the “gap period will be to impose additional retroactive obligations on municipalities; and

WHEREAS, requiring the construction of enormous numbers of new housing units will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. The Township Committee hereby supports the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”
2. The Township Committee urges the members of the New Jersey Senate, General Assembly

and the Governor to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

Motion to Approve: Stevens Second: Gormley Roll Call:

Gormley	<u>yes</u>
Kehm	<u>yes</u>
Kobryn	<u>yes</u>
Schlick	<u>yes</u>
Stevens	<u>yes</u>

CERTIFICATION

I, **DIANA K. MCCRACKEN, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **9th** day of **June, 2016**.

Diana K. McCracken, RMC
DIANA K. MCCRACKEN, Township Clerk
Little Egg Harbor Township