

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 16-160**

**A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND
ASSEMBLY BILL A-3821 WHICH AFFIRMS THE
LEGISLATIVE INTENT OF THE FAIR HOUSING ACT**

Councilman Taylor offered the following resolution and moved its adoption:

WHEREAS, the Borough of Red Bank supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, recently the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

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

WHEREAS, the “gap issue” arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

1. That the Borough of Red Bank strongly urges New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and **clarify** that affordable housing need is the sum of present and prospective need for a ten year period.
2. That the Borough of Red Bank supports Senate Bill S-2254 and Assembly Bill A-3821.
3. That copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Jennifer Beck, Assemblywoman Joann Downey, Assemblyman Eric Houghtaling, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey and the New Jersey League of Municipalities.

Seconded by Councilwoman Burnham and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Taylor	(x)	()	()	()
Councilman Whelan	(x)	()	()	()

Dated: June 8, 2016