

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-25**

RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY APPROVING THE PROPOSED SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER IN THE PENDING DECLARATORY JUDGMENT ACTION AND AUTHORIZING ITS EXECUTION AND SUBMISSION TO THE NEW JERSEY SUPERIOR COURT FOR REVIEW AND APPROVAL

Councilman Yngstrom offered the following resolution and moved its approval:

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision, 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. 1 (2015) (the "2015 Case"). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court, and established a transitional process for municipalities, like the Borough of Red Bank (the "Borough"), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSP") as being constitutionally compliant and seeking judicial protections and immunity; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and the 2015 Case, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on July 7, 2015, the Borough filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the "Declaratory Judgment Action"); and

WHEREAS, the Borough and the Fair Share Housing Center ("FSHC") have reached an agreement regarding the Borough's Mount Laurel compliance and have set forth the terms and conditions of settlement in the Settlement Agreement, which is attached hereto and made a part hereof.

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

1. The Council hereby approves the Settlement Agreement with the Fair Share Housing Center in the pending Declaratory Judgment Action and authorizes its execution and submission to the Court for review and approval;
2. The Mayor, the Borough Administrator, and Borough Clerk, together with all other officers, professionals and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution; and
3. This Resolution shall take effect immediately.

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

	Yes	No	Abstain	Absent
Councilman Yassin	(X)	()	()	()
Councilwoman Triggiano	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: January 23, 2019

The foregoing resolution is a true and complete copy of a resolution of the Borough adopted at a Governing Body meeting thereof duly called and held on January 23, 2019.

Pamela Borghi

Pamela Borghi, Borough Clerk