

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 09-151

**A RESOLUTION SUPPORTING THE NEW JERSEY SENATE BILL NO. S-1622 AND
URGING THE PASSAGE OF SAME BY THE NEW JERSEY LEGISLATURE AND
GOVERNOR JON S. CORZINE**

Ms. Lewis offered the following resolution and moved its adoption:

WHEREAS, the Honorable Senator Ronald H. Rice on or about May 15, 2008 introduced Senate Bill No. S-1622 concerning affordability controls on Affordable Housing Units (“Affordable Housing Units”) under the jurisdiction of the Council on Affordable Housing (“COAH”) for adoption by the New Jersey Legislature; and

WHEREAS, Senate Bill No. S-1622 is currently pending before the New Jersey Legislature; and

WHEREAS, Senate Bill No. S-1622 is designed to safeguard the affordability controls for affordable housing units in the event of a foreclosure proceeding and the entrance of a judgment of foreclosure against an affordable housing unit by: (1) prohibiting or greatly reducing a lender’s ability to remove affordable controls from Affordable Housing Units; (2) in cases where properties may be removed as Affordable Housing Units, providing for procedures allowing State or municipal governments to keep such properties as Affordable Housing Units; (3) providing that deed restrictions recorded in connection with a property for which a credit against the fair share obligation was granted shall not expire, extinguish or be removed prior to the period of termination for such restriction, as a result of such property’s sale through foreclosure proceedings by any creditor; (4) providing that the New Jersey Housing and Mortgage Finance Agency shall adopt or modify its regulations to provide that any housing unit financed in whole or part through the allocation of low income tax credits by COAH shall have in place affordability controls that may not be extinguished prior to the stated period of termination for such controls, as a result of the sale of any unit through foreclosure proceedings by any creditor; and (5) providing that a thirty (30) day notice of intent to foreclose be sent to the Clerk of a municipality wherein such affected Affordable Housing Unit is located; and

WHEREAS, throughout the State of New Jersey and the nation, there is economic strife and turmoil resulting in a great number of foreclosure filings, including filing against designated Affordable Housing Units under the provisions of COAH; and

WHEREAS, every municipality within the State of New Jersey has a constitutional obligation to provide its fair share of affordable housing; and

WHEREAS, considerable municipal resources are regularly spent to meet each municipality’s constitutional obligation to provide affordable housing; and

WHEREAS, the Mayor and Council of the Borough of Red Bank find that, in light of the tremendous resources that the Borough of Red Bank has spent and will continue to spend to meet its affordable housing obligations, that an injustice would result if affordable housing pertaining to affordable housing under COAH’s jurisdiction were terminated due to a foreclosure proceeding and the entrance of a judgment of foreclosure; and

WHEREAS, The Mayor and Council of the Borough of Red Bank find that it is in the best interest of the residents of the Borough of Red Bank that Senate Bill No. S-1622 be adopted into

law as soon as possible in order to prevent the loss of affordable housing under the jurisdiction of COAH.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, strongly urges the New Jersey State Legislature and Governor Jon S. Corzine to pass and adopt into law, Senate Bill No. S-1622, as soon as possible to prevent the loss of affordable housing under the jurisdiction of COAH and

BE IT FURTHER RESOLVED that a certified copy of this resolution be provide to each of the following:

- 1. The Honorable Governor Jon S. Corzine
- 2. The Honorable Senator Joseph Kyrillos, Jr.
- 3. The Honorable Assemblyman Samuel Thompson
- 4. The Honorable Assemblywoman Amy Handlin
- 5. The Honorable Ronald J. Rice
- 6. The Honorable Jennifer Beck
- 7. The Honorable Assemblywoman Caroline Casagrande
- 8. The Honorable Assemblyman Declan O’Scanlon
- 9. The New Jersey State League of Municipalities
- 10. The Clerks of all Monmouth County Municipalities

Seconded by Mr. Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: May 26, 2009