

CITY OF ENGLEWOOD

RESOLUTION #225-06-27-23

RESOLUTION ADOPTING AFFORDABLE HOUSING SPENDING PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in 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). 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 City of Englewood (“City”), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans (“HEFSPs”) as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on May 30, 2019, the City filed a declaratory judgment action seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation in the matter captioned In the Matter of the Application of the City of Englewood, Superior Court of New Jersey, Bergen County, Law Division, Docket No. BER-L-4069-19; and

WHEREAS, the City negotiated and executed a Settlement Agreement with the Fair Share Housing Center (“FSHC”) which included 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, the New Jersey Superior Court entered a Preliminary Judgment of Compliance and Repose on January 20, 2023 that approved the Settlement Agreement with FSHC and granted the City immunity and repose from any and all Mount Laurel lawsuits through July 1, 2025, subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of a Spending Plan; and

WHEREAS, the City has prepared a Spending Plan, dated May 18, 2023, that is consistent with the applicable statutes and regulations, the Preliminary Judgment of Compliance and Repose and the Settlement Agreement between the City and FSHC.

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 City of Englewood (“City”) does hereby adopt the May 18, 2023 Spending Plan attached hereto.
2. This Resolution shall take effect immediately.

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