

RESOLUTION NO. 97-2022

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, ENDORSING THE TOWNSHIP'S
AMENDMENT TO THE 2020 THIRD ROUND AMENDED HOUSING ELEMENT AND FAIR
SHARE PLAN**

WHEREAS, on March 10, 2015, 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) ("Mount Laurel IV"), the New Jersey Supreme Court returned primary jurisdiction over affordable housing matters to the trial courts; and

WHEREAS, in accordance with Mount Laurel IV, on July 7, 2015, the Township filed a declaratory judgment action with the Superior Court of New Jersey captioned In the Matter of the Application of the Township of Harrison in Gloucester County, Docket No. GLO-L-908-15, seeking a declaration that its Housing Element and Fair Share Plan (the "Plan") presents a realistic opportunity for the production of affordable housing, that said plan satisfied the Township's Mount Laurel affordable housing obligations, and seeking entry of a Judgment of Compliance and Repose; and

WHEREAS, during the pendency of the proceedings, the Township was able to reach a settlement with Fair Share Housing Center ("FSHC") regarding satisfaction of the Township's third round fair share obligation, and in accordance with the settlement, on September 15, 2016, the Harrison Township Joint Land Use Board ("Board") adopted a Third Round Housing Element and Fair Share Plan (the "2016 Plan"); and

WHEREAS, before the settlement agreement could be memorialized by the parties and approved by the court, FSHC advised of an error in its calculated third round obligations for the Township and its reevaluation of the terms of the settlement agreement; and

WHEREAS, the Township and Fair Share were able to address the issues and on November 14, 2019 entered into a Settlement Agreement resolving the Township's third round affordable housing obligations and setting forth a plan to address same, with said settlement approved by the Court at a Fairness Hearing held on January 7, 2020; and

WHEREAS, as part of the Township's compliance requirements, on December 3, 2020, the Board adopted an "Amendment to the 2016 Third Round Housing Element and Fair Share Plan," (the "2020 Amendment"); and

WHEREAS, the Court conducted a Compliance Hearing on January 15, 2021 and found that the Township's compliance plan, including the 2020 Amendment, implementing ordinances and compliance submissions were constitutionally compliant, met and satisfies the Township's cumulative third round Mount Laurel affordable housing obligations, and as such, the court granted the Township a Conditional Judgment of Compliance and Repose, entered on January 27, 2021; and

WHEREAS, in May of 2021, a developer included in the Township’s compliance plan advised the Township that it had entered into a contract to sell its lands and the contract-purchaser would not be proceeding with development of the site in accordance with the plan or settlement agreements; and

WHEREAS, the Township then worked diligently to coordinate with and identify other sites and developers for replacement projects that would provide a realistic opportunity for the production of affordable housing sufficient to meet its affordable housing obligations; and

WHEREAS, the Township and FSHC successfully re-engaged in negotiations and were able to reach agreement on an amended Plan to ensure the Township’s continued satisfaction of its Mount Laurel affordable housing obligations; and

WHEREAS, the terms of the amended settlement between the Township and FSHC are memorialized in an Amended Settlement Agreement entered into on December 20, 2021 (the “Amended Settlement Agreement”), which was reviewed and approved by the Court at a Fairness Hearing scheduled on March 11, 2022; and

WHEREAS, pursuant to the terms of the Amended Settlement Agreement, the Court’s January 11, 2022 Case Management Order, and in accordance with the March 11, 2022 Fairness Hearing, following notice and publication as required by law, the Board conducted a public hearing at a meeting held on March 17, 2022, and following such public hearing, approved and adopted an amendment to the 2020 Amendment, entitled “Amendment to the 2016 Third Round Housing Element and Fair Share Plan, Township of Harrison, Gloucester County, New Jersey,” dated March 4, 2022 (the “2022 Amendment”), incorporating the changes to the Plan; and

WHEREAS, the Mayor and Committee of the Township of Harrison desire to endorse the 2022 Amendment to the Third Round Housing Element and Fair Share Plan and upon consideration of same, the Mayor and Committee agree with the Board that the 2022 Amendment is consistent with the goals and objectives of the Harrison Township Master Plan and that adoption and implementation of the 2022 Amendment will facilitate and achieve the goal of providing access to affordable housing, is in the public interest and will protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Harrison, Gloucester County, New Jersey, as follows:

1. The governing body hereby endorses the 2022 Amendment to the Third Round Housing Element and Fair Share Plan attached hereto, and as adopted by the Township of Harrison Joint Land Use Board at a public meeting held on March 17, 2022, via Resolution No. 21-2022.
2. The governing body hereby authorizes and directs its professionals to file the 2022 Amendment to the Third Round Housing Element and Fair Share Plan with the Court for review and approval.

ADOPTED at a regular meeting of the Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey held on April 4, 2022.

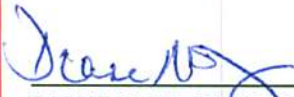
TOWNSHIP OF HARRISON

BY:



LOUIS F. MANZO, MAYOR

ATTEST:



DIANE MALLOY, RMC
Municipal Clerk

ROLL CALL VOTE				
COMMITTEE MEMBER	AYES	NAYS	ABSTAIN	ABSENT
Manzo	✓			
DeLaurentis	✓			
Powell				✓
Williams	✓			
Wingate	✓			

CERTIFICATION

I hereby certify that the above Resolution is a true copy of a resolution adopted by the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, at a regular meeting held by the same on April 4, 2022, in the Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062.



DIANE MALLOY, RMC
Municipal Clerk