

The
MAYOR AND BOROUGH COUNCIL
of the
BOROUGH OF GLEN RIDGE
County of Essex
State of New Jersey



Monday, September 24, 2018.

RESOLUTION NO. 130-18

Offered By Councilor Morrow
Seconded By Councilor _____

WHEREAS, the following matter (the “**Essex County Declaratory Judgment Action**”) has been pending in the Superior Court of the State of New Jersey, Law Division/Essex County:

In all Declaratory Judgment Actions filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court’s Decision in *In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015)* Docket No. ESX-L-4173-15; and

WHEREAS, the Essex County Declaratory Judgment Action was commenced by various Essex County municipalities (other than Glen Ridge) in response to the New Jersey Supreme Court’s decision in *In re 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**”) which terminated the Council on Affordable Housing’s jurisdiction to administer and approve municipalities’ affordable housing plans and determined that the New Jersey courts would reassert primary jurisdiction over the same, said various Essex County municipalities (other than Glen Ridge) seeking a declaration in the Essex County Declaratory Judgment Action that such municipalities were in compliance with the obligations required by the Fair Housing Act of 1985, N.J.S.A. 53:27D-301 *et seq.*, in accordance with Mount Laurel IV (the aforesaid obligations hereinafter collectively the “**Mount Laurel Doctrine**”); and

WHEREAS, by Order dated March 7, 2016, and entered by the court in the related matter

Glen Ridge Developers, LLC, vs. Borough of Glen Ridge, et al.
Superior Court of the State of New Jersey
Law Division/Essex County
Docket No. ESX-L-5308-15,

the adjudicating court classified the above litigation as a “builder’s remedy” proceeding and consolidated it with the Essex County Declaratory Judgment Action, thereby making Glen Ridge Borough a party thereto for the limited purpose of determining Glen Ridge Borough’s fair share obligation of very low, low and moderate income housing only; and

WHEREAS, by Order dated March 7, 2016, Elizabeth McKenzie was court-appointed to serve as Special Master (the “**Special Master**”) for Glen Ridge Borough in the Essex County Declaratory Judgment Action, as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, on multiple occasions, Glen Ridge Borough and interested party Fair Share Housing Center (“**FSHC**”) appeared before Judge Robert H. Gardner, J.S.C., in the Essex County Declaratory Judgment Action and also participated in the court-ordered mediation process with the Special Master; and

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WHEREAS, Glen Ridge Borough hopes to enter into an amicable settlement agreement with the FSHC so as to amicably resolve Glen Ridge Borough's broader obligations under the Mount Laurel Doctrine; and

WHEREAS, in furtherance of the foregoing, Glen Ridge Borough engaged a consulting planner to prepare a borough-wide Housing Element and Fair Share Plan (the "**Borough-wide Housing Element and Fair Share Plan**"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Special Master has given her preliminary approval of the Borough-wide Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Glen Ridge Planning Board held a public hearing on the Borough-wide Housing Element and Fair Share Plan on August 15, 2018 and adopted the Borough-wide Housing Element and Fair Share Plan on that same day; and

WHEREAS in an attempt to arrive at a settlement of its Mount Laurel obligations, the Mayor and Council of Glen Ridge Borough now seek to adopt the Borough-wide Housing Element and Fair Share Plan (and to hereafter amend to the extent necessary) to satisfy its "fair share" of the regional need for very low, low and moderate income housing pursuant to the "Mount Laurel doctrine", with the hope that such plan may be presented to the appropriate court with jurisdiction for review and approval, Glen Ridge Borough recognizing that the such Borough-wide Housing Element and Fair Share Plan must be reviewed by the court at a fairness hearing (the "**Fairness Hearing**") in accordance with the requirements of *Morris County Fair Housing Council v. Boonton Township*, 197 N.J. Super. 359, 364 (Law Div. 1984), *aff'd o.b.*, 209 N.J. Super. 108 (App. Div. 1986) and *East/West Venture v. Borough of Fort Lee*, 286 N.J. Super. 311, 328 (App. Div. 1996), and that, in order to approve such plan, the Court must find that it adequately protects the interests of lower-income persons for whom the affordable units proposed by the plan are intended; and

WHEREAS, upon its approval by the Mayor and Council, the Borough-wide Housing Element and Fair Share Plan will be hereafter presented to FSHC for its approval; and

WHEREAS, as part of the Fairness Hearing Glen Ridge Borough will simultaneously seek a protective order providing Glen Ridge Borough immunity from all exclusionary zoning lawsuits through 2025; and

WHEREAS, the Mayor and Council of Glen Ridge Borough endorse the Borough-wide Housing Element and Fair Share Plan and wish to seek approval of the Borough-wide Housing Element and Fair Share Plan from the Court.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Glen Ridge, County of Essex, New Jersey as follows:

1. That it hereby endorses the Borough-wide Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, as adopted by the Glen Ridge Planning Board on August 15, 2018.

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2. That it authorizes and directs its professionals to file with the Court (i) the Borough-wide Housing Element and Fair Share Plan, (ii) the resolution the Borough of Glen Ridge Mayor and Council endorsing the Borough-wide Housing Element and Fair Share Plan and (iii) any additional documents the representatives deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Borough-wide Housing Element and Fair Share Plan at a properly noticed Fairness Hearing.
4. That it reserves the right to amend the Borough-wide Housing Element and Fair Share Plan, should that be necessary.

I, Michael J. Rohal, Municipal Clerk of The Borough of Glen Ridge, in The County of Essex and in The State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a "RESOLUTION" adopted by The Mayor and The Borough Council on Monday, September 24, 2018.

Witness my hand and seal of The Borough Of Glen Ridge on this 24th day of September 2018.

Michael J. Rohal, Municipal Clerk