

TOWNSHIP OF FLORENCE

RESOLUTION 2017-221

RESOLUTION AUTHORIZING THE TOWNSHIP OF
FLORENCE TO ENTER INTO AN AGREEMENT WITH
FLORENCE ASSOCIATES, LLC

WHEREAS, the Township of Florence (hereinafter the "Township") voluntarily initiated litigation entitled "In the Matter of the Application of the Township of Florence" having the Docket No. BUR-L-1605-15 pursuant to the New Jersey Supreme Court's March 10, 2105 decision, "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)" (hereinafter "In Re COAH") requiring that each developing municipality, "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income" and "that this constitutional obligation requires that towns must provide "a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing;" and

WHEREAS, the Court's decision in In Re COAH accordingly provided for a mechanism for municipalities to seek a declaratory judgment that they have complied with the Fair Housing Act (the "Act") and Council of Affordable Housing ("COAH") requirements as articulated by the Mount Laurel Doctrine as well as seek a Judgment of Compliance and Repose for Third Round obligations imposed under the Act; and

WHEREAS, In Re COAH established a judicial process to determine municipal affordable housing obligation and for municipalities to obtain review and approval of their housing plans which address that obligation; and

WHEREAS, on July 2, 2015, the Township filed a declaratory judgment action under the Docket No. BUR-L-1605-15, pursuant to the procedures established by the Supreme Court, entitled "In the Matter of the Application of the Township of Florence" and

WHEREAS, the Court conducted mediation through Special Master Elizabeth McKenzie, PP, AICP, between the Township and the Fair Share Housing Center which resulted in a settlement having been negotiated between the parties which determines the Township's constitutional obligation for the its Third Round Housing obligation (1999-2025) to be 378 units; and

WHEREAS, the Florence Associates, LLC intervened in the Township's affordable housing litigation and through mediation with the Special Master Elizabeth McKenzie, PP, AICP, between the Township and Florence Associates, LLC, a settlement agreement has been negotiated between the parties consistent with the terms of the attached Agreement; and

WHEREAS, the settlement with Florence Associates, LLC reflects an agreement that is fair, equitable resolution that responds to the comments submitted by Florence Associates, LLC to the Townships Declaratory Judgement Action and a recommendation has been made to the Township Council to authorize settlement; and

WHEREAS, the Council of the Township of Florence is desirous to authorize a settlement with Florence Center Associates in connection with the Townships Declaratory Judgement Action matter;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Florence, in the County of Burlington, New Jersey that:

1. The Township staff and Township Solicitor, on behalf of the governing body, is authorized to execute an appropriate form of agreement consistent with the overall terms of the settlement and take any and all additional steps necessary and legally required to enter into a Settlement Agreement with Florence Associates, LLC pursuant to the conditions set forth in this Resolution above.

2. The Settlement Agreement and this Resolution shall not be effective until such time as the Superior Court of New Jersey holds a Fairness/Compliance Hearing on this matter and the Court approves said Settlement Agreement and grants the Township a Judgment of Compliance and Repose.



TED LOVENDUSKI
COUNCIL PRESIDENT



NANCY L. ERLSTON, RMC
TOWNSHIP CLERK

