



BOROUGH OF RIVERDALE NEW JERSEY



Resolution No: 82-2016

Date of Adoption: June 8, 2016

TITLE:

A RESOLUTION IN SUPPORT OF THE ADOPTION OF S2254/ A3821 TO CLARIFY MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including Riverdale) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that the “present and prospective fair share of the housing need in a given region shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16-year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable, but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, Riverdale has expended significant financial and other administrative resources in an attempt to voluntarily comply with the constitutional obligation to establish affordable housing. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities;

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Riverdale, County of Morris, State of New Jersey, that:

1. The Borough Council hereby supports the adoption of Senate Bill S2254 and Assembly Bill A3821 to clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period.”



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- 2. The Borough Council urges the members of the New Jersey Senate, General Assembly and the Governor to swiftly and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
- 3. A certified copy of this resolution be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

I hereby certify the foregoing to be a true copy of a Resolution passed by the Riverdale Borough Council at a duly convened meeting held on June 8, 2016.

A.J. Jalloh – Borough Clerk

RECORD OF COUNCIL VOTE

Motion – by Councilman: _____ Second - by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Astarita						Pellegrini				
Revis						Desai				
Clinton						Oswald				

A.J. Jalloh, Borough Clerk

Paul M. Carelli, Mayor

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.