

TOWNSHIP OF FRANKLIN, GLOUCESTER COUNTY

R-75-22

AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER (“FSHC”) FOR THE TOWNSHIP’S PRIOR ROUND (1987-1999) AND THIRD ROUND (1999-2025) AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Franklin (the “Township”) filed a Declaratory Judgment Action (the “Litigation”) in the Superior Court of New Jersey, Gloucester County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Robert P. Becker, Jr., P.J.Ch...; and

WHEREAS, Fair Share Housing Center (“FSHC”) is a Supreme Court-designated interested party in the Litigation in accordance with the Supreme Court Decision; and

WHEREAS, FSHC and the Township appeared before The Honorable Robert P. Becker at numerous case management conferences in 2021 and 2022 and participated in settlement conferences with representatives of FSHC and Special Master, Mary Beth Lonergan, P.P. (the “Special Master”) on several occasions; and

WHEREAS, through that process, FSHC offered to settle the Litigation in exchange for the Township to agreeing to provide for 527 affordable housing credits as its Third-Round gap need and prospective obligation covering the period 1999-2025 in addition to 130 affordable housing credits covering the balance of the Prior Round period 1987-1999 and 52 rehabilitation credits covering the Third Round present need; and

WHEREAS, through that process, the Township and FSHC agreed to settle the Litigation pursuant to a Settlement Agreement in the form attached hereto as Exhibit A and to present such Settlement Agreement to the trial court with jurisdiction over this matter to review; and

WHEREAS, the Township and FSHC seek to settle this matter because both parties recognize that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households;

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

1. The Township Attorney is authorized and directed to execute the Settlement Agreement in substantially the same form as attached hereto.
2. The Township Attorney and Township Planner are hereby authorized to take all steps to effectuate the Settlement Agreement including appearing at a Fairness Hearing, publishing notice of such hearing, and drafting a Housing Element and Fair Share Plan
3. This Resolution shall take effect immediately.

Adopted: April 26, 2022

COMMITTEE MEMBER	MOTION	2 nd	YES	ABSTAIN	NO	ABSENT
T. Doyle						
D. Deegan						
M. Petsch-Wilson						
H. Flaim						
J. Bruno						

Attest:

Township of Franklin

Barbara Freijomil, Clerk

John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 26, 2022.

Barbara Freijomil, Clerk