

**TOWNSHIP OF FRANKLIN, GLOUCESTER COUNTY**

**R-262-23**

**ADOPTING AN AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

**WHEREAS**, the Township of Franklin (the "Township") filed a Declaratory Judgment Action (the "Litigation") in the Superior Court of New Jersey, Hunterdon 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"); 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**, through that process, the Township and FSHC agreed to settle the Litigation pursuant to a certain Settlement Agreement;

**WHEREAS**, pursuant to such Settlement Agreement, the Township Planning Board adopted and the Township Committee endorsed a Housing Plan Element and Fair Share Plan; and

**WHEREAS**, the Township has in place a Development Fee Ordinance that establishes standards for the collection, maintenance, and expenditure of development fees to be used for providing low- and moderate-income housing in the Township; and

**WHEREAS**, the Development Fee Ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of construction of affordable units on-site, barrier free escrow funds, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

**WHEREAS**, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Council on Affordable Housing or a court of competent jurisdiction prior to spending any of the funds in its housing trust fund; and

**WHEREAS**, the Township Planner has prepared a spending plan consistent with N.J.A.C. 5:97-8.10, which is attached hereto; and

**WHEREAS**, the Township wishes to continue to provide affordable housing opportunities through expenditure of funds through the Affordable Housing Trust Fund;

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

1. The Township Committee approves and adopts the Spending Plan attached hereto.
2. The Township Committee requests that the court review and approve the attached Spending Plan.
3. This Resolution shall take effect immediately.

Adopted: December 26, 2023

COMMITTEE MEMBER	MOTION	2 <sup>nd</sup>	YES	ABSTAIN	NO	ABSENT
<b>T. Doyle</b>						
<b>H. Flaim</b>						
<b>J. Keen</b>						
<b>M. Marsh</b>						
<b>J. Bruno</b>						

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 December 26, 2023.

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Barbara Freijomil, Clerk