

9/16/85

UL v. Carter et (Monroe)

1985

. Lett to judge

. w/ Exhibi A, Monroe Tr. resolution

6 pages

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September 16, 1985

Honorable Eugene D. Serpentelli
Superior Court of New Jersey
Law Division
Ocean County Courthouse
Toms River, NJ 08754

Re: Urban League of Greater New Brunswick et al v.
Borough of Carteret, et al, Docket #C-4122-73;
Monroe Development Associates v. Monroe Township,
Docket #L-076036-83; Lori Associates and HABD
Associates v. Monroe Township, Docket #L-28288-84;
Great Meadows, Monroe Greens Associates &
Guaranteed Realty Associates v. Monroe Township,
Docket #L-32638-84

Dear Judge Serpentelli:

Enclosed please find Resolution Authorizing The Township of Monroe To Prepare And File With The Council On Affordable Housing Its Fair Share Plan And Housing Element adopted by the Monroe Township Council which was inadvertently not attached as "Exhibit A" to my Letter Brief in support of the Motion to Transfer in connection with the above captioned matters.

Respectfully yours,

MARIO APUZZO
Director of Law

MA:ap
Enclosure

cc: John Mayson, Superior Court Clerk
M. Dean Haines, Ocean County Clerk
See Attached Mailing List

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"EXHIBIT A"

RESOLUTION OF THE MONROE TOWNSHIP COUNCIL

RESOLUTION AUTHORIZING THE TOWNSHIP OF MONROE TO PREPARE AND FILE WITH THE COUNCIL ON AFFORDABLE HOUSING ITS FAIR SHARE PLAN AND HOUSING ELEMENT UNDER P.L. 1985, C. 222.

WHEREAS, there is presently pending in the Superior Court of New Jersey several exclusionary zoning suits in which the Township of Monroe has been named a defendant along with other defendants; and

WHEREAS, the Supreme Court of New Jersey, this State's highest court, has stated in the Mt. Laurel II decision that the determination of the methods for satisfying a municipality's constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families is better left to the Legislature, that the Court has always preferred legislative to judicial action in this field, and that the judicial role in upholding the Mount Laurel doctrine could decrease as a result of legislative and executive action; and

WHEREAS, the Mayor and Council have expressed from the beginning of the Mt. Laurel II litigation that they also felt that the issue of low and moderate income housing is an issue which should be resolved by the legislative and executive branches of our government and not by our courts; and

WHEREAS, the Mayor and Council have always recognized and continue to recognize that the Township of Monroe has to bear its fair share of low and moderate income housing, but under a plan devised by our legislative and executive branches which are better equipped to deal with such a very complex problem; and

WHEREAS, the Mayor and Council have anxiously awaited the Legislature and Executive of the State of New Jersey to act by passing appropriate legislation to address the many problems arising in this very troubling area; and

WHEREAS, the Legislature enacted and approved on July 2, 1985 P.L. 1985, C. 222, otherwise known as the Fair Housing Act, legislation which has long been awaited by the Mayor and Council; and

WHEREAS, the Legislature states in Section 3 of this Act that

The Legislature declares that the State's preference for the resolution of existing and future disputes involving exclusionary zoning is the mediation and review process set forth in this act and not litigation, and that it is the intention of this act to provide various alternatives to the use of the builder's remedy as a method of achieving fair share housing.

WHEREAS, this Act establishes the Council on Affordable Housing, which shall have the primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State; and

WHEREAS, Section 9. a. of the Act provides that within four months after the effective date of this act, each municipality which so elects shall, by a duly adopted resolution of participation, notify the Council on Affordable Housing of its intent to submit to the Council its fair share housing plan and housing element; and

WHEREAS, the Mayor and Council intend to submit to the Council on Affordable Housing such housing plan and housing element and to participate in the housing programs which will be established by the housing council because they believe that the housing council will give due consideration to the following factors which the Mayor and Council see to be important for the proper development of the Township of Monroe:

1. What the municipality believes to be its present and prospective fair share of housing in a given region;
2. The availability of vacant and developable land;
3. Infrastructure considerations;
4. Environmental preservation factors;
5. Historic preservation factors;
6. Phasing of present and prospective fair share housing requirements;
7. Population and household projections for the State and housing regions;
8. Whether the housing council should limit, based on a percentage of existing housing stock in the municipality and any other criteria including employment opportunities which the housing council deems appropriate, the aggregate number of units which may be allocated to the Township as its fair share of the region's present and prospective need for low and moderate income housing;
9. Research studies;
10. Government reports;
11. Decisions of other branches of government;
12. Implementation of the State Development and Redevelopment Plan prepared pursuant to P.L. , C. (Now pending before the Legislature as Senate Bill No. 1464 of 1984);
13. Public comment; and
14. Grants or loans from the newly established Neighborhood Nonlapsing Revolving Fund to appropriate municipalities; and

WHEREAS, the Mayor and Council also intend to have filed on behalf of the Township of Monroe under Section 16 of the Act a motion with the Superior Court to seek a transfer of all exclusionary zoning cases now pending in that court to the housing council.

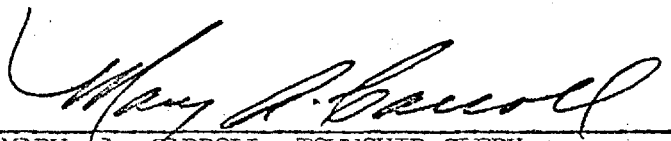
NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey, that it is the intent of the Township of Monroe that it will submit to the Council on Affordable Housing its fair share housing plan and housing element, all in accordance with P.L. 1985, C. 222; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution immediately be submitted to the Council on Affordable Housing so that it may be notified of this action and that under no circumstance shall such notification be later than November 2, 1985.



WILLIAM R. TIPPER, PRESIDENT

I hereby certify the above to be a true copy of a resolution adopted by the Monroe Township Council at a meeting held on August 5, 1985.



MARY A. CARROLL, TOWNSHIP CLERK