

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2019-125

Council Meeting Date: 05-06-2019

Date Adopted: 05-06-2019

TITLE: RESOLUTION OF THE GOVERNING BODY OF NEW PROVIDENCE
URGING ACTION AGAINST COURT-IMPOSED HIGH-DENSITY
HOUSING

Councilperson Muñoz submitted the following resolution, which was duly seconded by Councilperson Cumiskey.

WHEREAS, the members of the Governing Body of New Providence are concerned with the loss of control over local zoning resulting from the failure of the legislative and executive branches of State Government to properly address New Jersey Court rulings arising under the so-called Mount Laurel line of cases; and

WHEREAS, in its decision titled In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015), the Supreme Court of the State of New Jersey held, among other things, that due to the Council on Affordable Housing's failure to promulgate Third Round Rules under the Fair Housing Act, parties concerned about municipal compliance with constitutional affordable housing obligations are entitled to access to the courts to resolve their concerns, notwithstanding requirements in the Fair Housing Act that such parties exhaust administrative remedies under said Act; and

WHEREAS, the Governing Body of New Providence believes that the proper application of zoning principles dictates that issues related to density, infrastructure, traffic, and the adequacy of public safety institutions such as police, fire and rescue should all be factored into zoning decisions when considering disproportionately large increases to population densities such as those that have been imposed by the Courts under the Mount Laurel line of cases and multiple settlements of affordable housing obligations that have resulted from the threat of legal action related to affordable housing; and

WHEREAS, the cost of living in the State of New Jersey is already amongst the highest in the United States, and imposing high density housing on a community by community basis without regard to the financial impact on tax payers resulting from the need to build schools, public infrastructure and expand emergency services will make it even more unaffordable for residents of all socio-economic classes to live here, including those the Court seeks to protect under its Mount Laurel holdings, and further add to the outward flow of citizens from our State;

WHEREAS, the Governing Body of New Providence seeks a solution to provide relief in the next round (due in 2025) from this court-imposed process, noting that many mayors and local officials from across the State, regardless of political affiliation, are seeking the same relief; and

WHEREAS, we urge the legislature to develop a true (bi-partisan) plan that will take into account limitations on local schools, infrastructure and emergency services, and permit zoning for affordable housing on a more regional basis, while assuring affordable housing is considered in our communities; and

WHEREAS, the Governing Body of New Providence considers it to be in the public interest that, if such bi-partisan measures cannot be undertaken while remaining in compliance with principles established by the Mount Laurel line of cases, that the legislature consider starting such measures as may be necessary to amend the Constitution of the State of New Jersey to make it clear that the need for affordable housing be met in balance with the needs of communities to zone intelligently taking into account the impact of higher density development on schools, infrastructure, emergency services and the overall affordability of our communities and the State of New Jersey for all socio economic classes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and members of Borough Council of the Borough of New Providence, County of Union, State of New Jersey that this Resolution, be forwarded to all District 21 legislators, as well as Governor Phil Murphy, Senate President Steven Sweeney, and Assembly Speaker Craig Coughlin.

This Resolution shall take effect immediately.

APPROVED, this 6th day of May, 2019.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUMISKEY	X			
DESARNO	X			
GENNARO	X			
GEOFFROY	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 6th day of May, 2019.

Wendi B. Barry, Borough Clerk

I, Wendi B. Barry, Borough Clerk of the Borough of New Providence, County of Union and State of New Jersey, certify this to be a true copy of a resolution adopted by the Mayor and Borough Council at a regular meeting held on May 6, 2019.

Wendi Barry 05-06-2019
 Wendi B. Barry, Borough Clerk Date