

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2019-190

Council Meeting Date: 08-12-2019

Date Adopted: 08-12-2019

TITLE: RESOLUTION OF THE COUNCIL OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION STATE OF NEW JERSEY TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A SHORTFALL IN FUNDING FOR THE BOROUGH'S AFFORDABLE HOUSING PROGRAMS

Councilperson Geoffroy submitted the following resolution, which was duly seconded by Councilperson DeSarno.

WHEREAS, on or about July 7, 2015, the Borough of New Providence (hereinafter "New Providence" or the "Borough") filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Borough simultaneously pursued, and ultimately secured, a protective order providing New Providence immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Borough adopted a Housing Element and Fair Share Plan on or about March 7, 2017; and

WHEREAS, the Borough adopted an Amended Housing Element and Fair Share Plan on July 9, 2019; and

WHEREAS, the Borough has prepared a Spending Plan consistent with P.L.2008, c.46 COAH regulations; and

WHEREAS, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the

Borough's Amended Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Borough shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of New Providence in the County of Union, and the State of New Jersey that to the extent permitted by law, do hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, the Borough agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Council on Affordable Housing or a court of competent jurisdiction; and

BE IT FURTHER RESOLVED that the Borough may repay debt through future collections of development fees, as such funds become available.

APPROVED, this 12<sup>th</sup> day of August, 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 12<sup>th</sup> day of August, 2019.

Wendi B. Barry, Borough Clerk