

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2020-152

Council Meeting Date: 06-22-2020

Date Adopted: 06-22-2020

TITLE: RESOLUTION APPROVING AMENDMENT TO LEASE AGREEMENT BETWEEN THE BOROUGH OF NEW PROVIDENCE AND THE CHURCH COALITION FOR NEW PROVIDENCE AFFORDABLE HOUSING CORPORATION DATED JUNE 27, 1994

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

WHEREAS, New Providence Affordable Housing and Urban Renewal Associates, L.P. (hereinafter “Renewal Associates”) is a non-profit organization originally organized on December 15, 1994 as New Providence Affordable Housing, L.P., changing its name to its current name on March 11, 1996; and

WHEREAS, the Church Council for New Providence Affordable Housing (hereinafter the “CCNPAH”) is a non-profit corporation formed in March 1991, and is a general partner of Renewal Associates; and

WHEREAS, CCNPAH entered an agreement with the Borough of New Providence for the development of senior citizen housing on the property known as Lot 14, Block 50; and

WHEREAS, the Borough of New Providence and CCNPAH entered into an agreement of lease on June 27, 1994 pursuant to which the Borough leased a portion of Lot 14 in Block 50 to CCNPAH for a period of 30 years for purposes of construction and operation of 22 apartment units and appurtenances which lease included a provision at paragraph 11 that the Borough requires that residential occupancy shall extend on a continuing basis to low-income senior citizens who have been residents of the Borough for at least one year prior to application for residency within the project; and

WHEREAS, CCNPAH assigned its leasehold interest in the property to Renewal Associates in 1995, and thereafter, the Borough, Renewal Associates and the Bank of New York entered in a Three-Party Ground Lease Agreement pursuant to which Renewal Associates obtained mortgage financing for the project; and

WHEREAS, the parties have continued to operate under the Lease and Three-Party Agreement; and

WHEREAS, it has been determined that the restriction in paragraph 11 of the Lease to allowing only residents of the Borough to obtain housing within the project is a violation of current Affordable Housing laws and regulations, and the Borough has determined that it is necessary to include this project in its Fair Share Agreement and has done so.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the New Providence, County of Union, State of New Jersey that it does agree to enter into an Amendment to the Lease of June 27, 1994 between the Borough of New Providence and Church Coalition for New Providence Affordable Housing Corporation to delete the provision in Paragraph Eleventh of said Lease requiring any applicant for residency in the complex operated by Renewal Associates to be residents of the Borough of New Providence.

This Resolution shall take effect immediately.

APPROVED, this 22nd day of June, 2020.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUMISKEY	X			
DESARNO	X			
GEOFFROY	X			
MATSIKLOUDIS	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 22nd day of June, 2020.

Wendi B. Barry, Borough Clerk