



TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE and PLANNING BOARD
JOINT SPECIAL MEETING
AGENDA

March 31, 2016
6:00 PM Open Session

STATEMENT OF ADEQUATE NOTICE

"In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and Courier News on March 28, 2016. The notice was posted on the bulletin board in the Municipal Building on March 28, 2016 and the Township website [www.longhillnj.gov] and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk."

OPEN PUBLIC MEETING:

PLEDGE OF ALLEGIANCE

ROLL CALL:

DISCUSSION ITEMS:

- Mt. Laurel Housing Element/ E Consult Report

PLANNING BOARD RESOLUTION:

TOWNSHIP COMMITTEE RESOLUTION:

TOWNSHIP OF LONG HILL
RESOLUTION #16-134

AUTHORIZING FILING OF HOUSING ELEMENT AND FAIR SHARE PLAN IN CONNECTION WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION

WHEREAS, the Township of Long Hill (the "Township") has participated in the New Jersey Council on Affordable Housing ("COAH") process since it was created in 1985 and has

satisfied all of its housing obligations pursuant to the *New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.*, and COAH's rules and regulations; and

WHEREAS, several iterations of COAH's 3rd round rules first adopted in 2004 have been challenged and overturned by the courts; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court, in response to a motion filed by the Fair Share Housing Center, found that the COAH administrative process had become non-functioning and as a result returned primary jurisdiction over affordable housing matters to the trial courts (*In the matter of the adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015)*); and

WHEREAS, in doing so, the Supreme Court established a transitional process for municipalities that participated in the administrative process before COAH to file a declaratory judgment action with the trial court seeking to declare their housing elements and fair share plans as being constitutionally compliant and seeking similar protection to those that municipalities would have received if they had continued to proceed before COAH; and

WHEREAS, the Township filed a Declaratory Judgement action, captioned *In the Matter of the Application of the Township of Long Hill for Determination of Mount Laurel Compliance*, with the Honorable Stephan C. Hansbury, P.J.Ch. ("Judge Hansbury") of the Superior Court of New Jersey, Morris County, at Docket No. MRS-L-1660-15, on July 6, 2015 (the "Declaratory Judgement Action"); and

WHEREAS, Judge Hansbury entered an Order *sua sponte* on February 10, 2016, that provided in relevant part as follows:

"1. Each municipality included in this order shall submit to the Court its Housing Element and Fair Shae Plan by April 4, 2016. Each municipality shall select the amount for its obligation based upon the expert it chooses...."

2. The Court shall review each plan to determine if continuing immunity is warranted and if so, whether it would be until further order of the Court after judicial determination of the total housing obligation or full ten-year immunity.

3. A municipality making the appropriate submission in timely fashion shall be granted continuing immunity until a decision as to the motion is made.....”; and

WHEREAS, in his February 10, 2016 cover letter, Judge Hansbury elaborated by saying that each municipality should “pick the number it deems appropriate to submit its Housing Element and Fair Share Plan (HEFSHP) by April 4, 2016.... The expert who determined that number should be identified....”; and

WHEREAS, Judge Hansbury in his cover letter also recognized that”

“Clearly, the number chosen by each municipality may not be the number to be fixed by the court after an appropriate trial. At a point in the future, that will be done. That may, of course increase the obligation and require supplements to the HEFSHP....”; and

WHEREAS, Judge Hansbury in a February 19, 2016 letter issued the following clarification to his Order:

“It would be acceptable to the Court if a Planning Board Resolution accepting the HEFSHP with an indication that, if approved by the Court, the Planning Board would proceed to promptly adopt it as part of the Master Plan. Approval of the governing body would, of course, also be required.”; and

WHEREAS, the Township Planning Board, with the assistance of its Planner, Kevin O’Brien, of Shamrock Enterprises, Ltd., has prepared a Housing Element and Fair Share Plan, approved that Housing Element and Fair Share Plan by resolution adopted at this joint meeting with the Township Committee; and

WHEREAS, the Planning Board and the Township Committee have selected the amount for the Township’s obligation based upon the report entitled “New Jersey Affordable Housing Need and Obligations”, prepared by Econsult Solutions, and dated March 24, 2016, a copy of which was previously submitted to the Court;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. The Township Committee hereby approves the Housing Element and Fair Share Plan approved by the Planning Board at this joint meeting with the Township Committee.

2. The Township Attorney is hereby authorized and directed to file this Housing Element and Fair Share Plan with Judge Hansbury in accordance with his February 10, 2016 Order, along with certified copies of this Resolution and the Planning Board's March 31, 2016 Resolution, by cover letter on notice to all interested parties.

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution #16-134 is hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

MEETING OPEN TO THE PUBLIC: Remarks and Statements Pertaining to THIS Matter only

ADJOURNMENT: