

RESOLUTION

WHEREAS, on July 7, 2015, the Township of West Orange (the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. (2015) (Mount Laurel IV), seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), as 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 Township simultaneously sought, and ultimately secured, a protective Order providing the Township with immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the Trial Judge appointed Elizabeth McManus, PP, AICP, LEED AP, as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with the assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as Exhibit A; and

WHEREAS, the Township was represented in these negotiations by the Township’s Affordable Housing Planner Shirley Bishop; and

WHEREAS, through the process, the Township and FSHC agreed upon the Township’s affordable housing obligations and the compliance techniques necessary for

the Township to satisfy its “fair share” of the regional need for low- and moderate-income housing; and

WHEREAS, the Township and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval at a duly-noticed Mount Laurel Fairness Hearing; and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region’s low- and moderate-income households; and

WHEREAS, in light of the above, the Council finds that it is in the best interest of the Township to execute the attached Settlement Agreement with FSHC and to take the various other actions delineated below, which will ultimately result in approval of the Township’s Fair Share Plan which, in turn, will maintain the Township’s immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Share Housing Act, N.J.S.A. 52:27D-301 to 329.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Township Council hereby directs, authorizes and empowers the Mayor to execute the Settlement Agreement attached hereto as Exhibit “**A**,” and be it further

RESOLVED, that the Council hereby directs, authorizes and empowers the Township’s Counsel to (a) file the fully-executed Settlement Agreement with the Court

for review and approval at a duly-noticed Fairness Hearing, (b) take all actions reasonable and necessary to secure an Order approving the Settlement Agreement, and (c) work towards ultimately securing judicial approval of the Township's Fair Share Plan, after it is drafted, adopted by the Township Planning Board and endorsed by the Council; and be it further

RESOLVED, that all other appropriate Township officials are hereby directed, authorized and empowered to execute all documents and take all steps necessary and appropriate to effectuate the terms and purposes of this Resolution and the Settlement Agreement; and be it further

RESOLVED, that this Resolution shall be published and made available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Michelle Casalino
Council President

Adopted: April 14, 2020