

**TOWNSHIP OF MANALAPAN
RESOLUTION NO. 2023-322**

**RESOLUTION OF NEED IN CONNECTION WITH AN INCLUSIONARY
AFFORDABLE HOUSING DEVELOPMENT IN THE TOWNSHIP'S COURT
APPROVED HOUSING ELEMENT AND FAIR SHARE PLAN**

Mr. Jacobson offered the following resolution and moved its adoption:

WHEREAS, the Township filed a declaratory judgment action captioned In the Matter of the Application of the Township of Manalapan, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2518-15 (the "Mt. Laurel Litigation") following the New Jersey Supreme Court's decision in the matter of *In Re Adoption of N.J.A.C. 5:96 and 5:97* by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities which were before the Council on Affordable Housing, such as the Township of Manalapan, were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mt. Laurel* obligations in order to maintain immunity from builder's remedy litigation; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center and the Court entered an Order of Fairness and Preliminary Compliance approving the Settlement Agreement on January 21, 2020 and a Final Third Round Judgment of Repose and Compliance on September 28, 2020 thereby approving the Township's Housing Element and Fair Share Plan and providing the Township with protection from builder's remedy litigation through July 1, 2025; and

WHEREAS, the Township entered into a Developer's Agreement with the Diocese of Trenton and its successors or assigns (the "Sponsor") which allows for the development up to 320 dwellings units with a thirty percent set aside thereby resulting in 96 family rental units being designated for deed restricted very low, low and moderate income households on the property designated as Block 72, Lots 10.01, 11.06 and 11.07 (the "Project").

WHEREAS, the Developer's Agreement requires the Township to adopt a Resolution of Need in accordance with N.J.S.A. 55:14K-6 in support of the potential allocation of four percent housing tax credits to support the development of the affordable housing units in the Project.

WHEREAS, if approved for tax credits by the New Jersey Housing and Mortgage Finance Agency (the "Agency"), the Project will be subject to the Agency requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; and

WHEREAS, pursuant to the Agency requirements, the Township Committee of the Township of Manalapan hereby determines that there is a need for the Project in Manalapan

Township to satisfy the requirements of its Court approved Settlement Agreement with Fair Share Housing Center and the Final Third Round Judgment of Repose and Compliance entered by the Court in favor of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Manalapan in the County of Monmouth, State of New Jersey as follows:

- (1) The Township Committee finds and determines that the Project proposed by the Sponsor meets or will meet an existing housing need as determined by the Court.
- (2) The Township Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the affordable housing component of the Project.

SECONDED BY Mrs. Musich and adopted on roll call by the following vote:

AFFIRMATIVE: Jacobson, McNaboe, Musich, Nelson

NEGATIVE: None

ABSTAIN: Cohen

ABSENT: None

DATED: August 9, 2023

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A
RESOLUTION ADOPTED BY THE TOWNSHIP OF MANALAPAN
DURING A MEETING HELD ON AUGUST 9, 2023



MUNICIPAL CLERK
TOWNSHIP OF MANALAPAN