

RESOLUTION

WHEREAS, the Fair Housing Act, N.J.A.C. 52:27D-301, et seq., establishes within the Neighborhood Preservation Program within the Department of Community Affairs (DCA) the Neighborhood Preservation Nonlapsing Revolving Fund and appropriates monies for said fund to be used in accordance with the terms of the Fair Housing Act for low and moderate income housing; and

WHEREAS, the Fair Housing Act also requires the New Jersey Housing and Mortgage Finance Agency (HMFA) to allocate no less than 25% of its bond authority to be used in conjunction with housing to be constructed or rehabilitated with assistance under the Fair Housing Act; and

WHEREAS, pursuant to N.J.A.C. 52:27D-320 (a) and N.J.A.C. 52:27D-321 (b) DCA and HMFA are authorized to award monies from the respective funds to municipalities whose housing elements have received substantive certification, to municipalities subject to a builder's remedy or to receiving municipalities in an approved regional contribution agreement (RCA); and

WHEREAS, N.J.A.C. 52:27D-320 (c) and N.J.A.C. 52:27D-321 (d) further provide that during the first 12 months from the effective date of the Fair Housing Act and for any additional period of time which the Council on Affordable Housing (Council) may approve, DCA and HMFA may assist affordable housing programs which are not located in municipalities whose housing elements have been granted substantive certification or which are not in furtherance of an RCA; provided that the affordable housing program will meet all or part of the municipality's low and moderate income housing obligation; and

WHEREAS, at its public meeting on April 20, 1987 the Council voted to approve an extension to allow DCA and HMFA to continue to award monies from their respective funds to all municipalities; said extension to last until July 1, 1988, at which time the Council would evaluate whether an additional extension was appropriate; and

WHEREAS, the Council held a discussion of the matter at its public meeting of June 20, 1988, and at that time determined to extend the approval until its next public meeting on July 5, 1988 so as to permit further discussion of the matter; and

WHEREAS, at its public meeting of July 5, 1988 the Council voted to approve an extension permitting the award of monies from the DCA and HMFA funds to any municipality, provided that the municipality's housing program would meet all or part of its lower income housing obligation, until July 1, 1989; and

WHEREAS, the Council conditioned the extension upon satisfaction of the following:

1. DCA and HMFA shall give funding priority to "urban aid municipalities" as defined in N.J.A.C. 52:27D-178 et seq. and to hold harmless cities; municipalities that have petitioned for substantive certification of their housing elements and fair share plans; municipalities that have received substantive certification; municipalities subject to a builder's remedy; receiving municipalities to an approved regional contribution agreement and municipalities that have received a judgment of compliance from the court;

) 2. DCA shall propose and adopt regulations that set forth the priorities contained in condition number one by December 15, 1988;

3. DCA and HMFA shall work with municipalities in condition #1 to improve deficient applications.

WHEREAS, the Council voted not to approve any further extensions past July 1, 1989 with the exception of "urban aid municipalities" and municipalities that have petitioned for substantive certification; and

WHEREAS, the Council set forth at length in its Resolution of July 5, 1988 the reasons for granting the extension on the terms indicated; and

) WHEREAS, at its public meeting of November 28, 1988 the Council held a discussion of DCA's ability to meet the conditions by adopting regulations on or before December 15, 1988; and

WHEREAS, the Council required additional information on the subject from DCA, and determined that at its next public meeting it would continue discussion on this topic, and further, would also reach a determination at that time on whether the December 15, 1988 deadline should be extended; and

WHEREAS, the Council recognized that its next public meeting was scheduled for December 19, 1988;

NOW, THEREFORE, BE IT RESOLVED that the extension contained in the Council's Resolution of July 5, 1988, permitting DCA and HMFA to continue funding all municipalities, subject to certain conditions contained in that Resolution, shall be extended to December 19, 1988, regardless of whether DCA adopts regulations on or before December 15, 1988, as originally required by the Council's July 5, 1988 Resolution;

BE IT FURTHER RESOLVED that the Council shall hold a further discussion of this matter at the December 19, 1988 meeting, for the purposes outlined in this Resolution.

COUNCIL ON AFFORDABLE HOUSING

By


James L. Logue, III
Chairman

Dated: *December 19, 1988*

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