

RESOLUTION

WHEREAS, the Fair Housing Act, N.J.S.A. 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.S.A. 52:27D-320(a) and N.J.S.A. 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.S.A. 52:27D-320(c) and N.J.S.A. 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 pro-

gram 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.S.A. 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, at its public meeting on November 28, 1988 the Council adopted a Resolution to continue the extension until

December 19, 1988 so as to allow further discussion of this matter; and

WHEREAS, at its public meeting on December 19, 1988, the Council was informed that DCA has been and is awarding monies appropriated pursuant to N.J.S.A. 52:27D-320 in accordance with the priorities the Council established at its July 5, 1988 meeting; and

WHEREAS, the Council was further informed that DCA had submitted proposed regulations that satisfied condition as set forth by the Council in its July 5, 1988 resolution to the Office of Administrative Law for publication in the New Jersey Register on January 3, 1989; and

WHEREAS, the Council was further informed that given the requisite comment period, assuming DCA determines to adopt the regulation after the comment period, DCA could adopt the regulations and promulgate them on March 6, 1989; and

WHEREAS, the next Council meeting following the anticipated promulgation date of March 6, 1989 is March 13, 1989; and

WHEREAS, the Council expects to be apprised of the status of the regulations at its public meeting on March 13, 1989;

WHEREAS, at its public meeting on December 19, 1988, the Council voted to continue the extension for the adoption of regulations by DCA and this Resolution is intended to formalize and memorialize that decision;

NOW THEREFORE BE IT RESOLVED that, in light of the facts that DCA is awarding monies in accordance with the terms of the

Council's extension, notwithstanding the absence of regulations, and the regulations have been submitted to the OAL for publication in the New Jersey Register, 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 continue to remain in effect for DCA and the December 15, 1988 regulation adoption date is hereby extended until March 13, 1989; and

BE IT FURTHER RESOLVED that the Council shall hold further discussion of this matter at its March 13, 1989 public meeting.

I hereby certify that the foregoing Resolution was duly adopted by the Council on Affordable Housing at its public meeting on January 9, 1989.



Renee Reiss, Secretary
Council on Affordable Housing