

## 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 provides 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 (COAH) 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 COAH voted to approve an extension to allow DCA and HMFA to continue to award monies from their respective funds to any municipality, provided that the municipality's housing program would meet all or part of its lower income housing obligation, said extension to last until July 1, 1988, at which time COAH would evaluate whether an additional extension was appropriate; and

WHEREAS, COAH 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 COAH 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 obligations, until July 1, 1989, contingent upon DCA and HMFA agreement to comply with certain conditions.

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

WHEREAS, on September 18, 1989 COAH voted to permit DCA and HMFA to award funds to an additional category of municipalities, meeting the following criteria:

- i) the municipality must be subject to the jurisdiction of the Superior Court, pursuant to exclusionary zoning litigation filed against the municipality prior to the municipality's filing of a housing element with COAH; and
- ii) the municipality must have received a commitment of federal funds to be utilized for a lower income new construction project, which project will go toward meeting a portion of the municipality's Mt. Laurel fair share housing obligation; and
- iii) said new construction project must be subject to a shortfall in funds necessitating an additional funding source; and

WHEREAS, COAH also stated that such funds should not be utilized in order to replace a litigant's site in the municipality's housing element and fair share plan; and

WHEREAS, at its public meeting of February 26, 1990, COAH held a discussion of a proposal by DCA to broaden the above category to include municipalities faced with funding shortfalls, that were not the subject of exclusionary zoning litigation; and

WHEREAS, COAH voted to amend the category previously established in its resolution of December 11, 1989 to permit DCA and HMFA to award

monies from their respective funds for municipalities meeting all of the following criteria:

- i) the municipality must have received a commitment of federal funds, prior to January 5, 1987, to be utilized for a lower income construction project, which project will go towards meeting a portion of the municipality's Mt. Laurel fair share housing obligation; and
- ii) said new construction project must be subject to a shortfall in funds necessitating an additional funding source; and

WHEREAS, COAH also affirmed that, in those cases where the municipality meets the above criteria, and is also subject to the jurisdiction of the Superior Court, pursuant to exclusionary zoning litigation filed against the municipality, that the funds were not intended to be used to replace a litigant's site in the municipality's housing element and fair share plan.

NOW THEREFORE BE IT RESOLVED that COAH hereby approves the award of monies from the DCA and HMFA funds established pursuant to the Fair Housing Act and referred to above, to all municipalities meeting the criteria set forth above.

I hereby certify that this resolution was duly adopted at its public meeting on March 19, 1990.

  
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Renee Reiss, Secretary  
Council on Affordable Housing

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