

97-905(a)

RESOLUTION MEMORIZING DECISION OF COUNCIL ON AFFORDABLE HOUSING

WHEREAS, on March 18, 1998 the Friends of Hillsborough, Inc. ("Friends") filed a Notice of Motion for Leave to Intervene with the New Jersey Council on Affordable Housing ("COAH") returnable on April 1, 1998, seeking to intervene as a party in the Appellate Division's remand of In the Matter of the Petition for Substantive Certification of the Housing Element and Fair Share Plan of the Township of Hillsborough, Somerset County, Appellate Division, Docket No. A-5349-95T1 ("Hillsborough case"); and;

WHEREAS, Friends, which states that it represents several hundred Hillsborough residents, argued in a letter brief accompanying its motion that it should be allowed to intervene because it complied with the terms of R. 4:33-1, as explicated by Chesterbrooke Limited Partnership v. Planning Board of Township of Chester, 237 N.J. Super. 118 (1989); and

WHEREAS, in further support of its intervention, Friends also argued that it had an interest relating to the PAC/HCF site, which is the property that is the subject matter of the Hillsborough case, claimed that disposition of the remand could impair Friends' ability to protect its interest, claimed that its interest was different from the interests of all other parties in the case, and stated that its application for intervention was timely; and

WHEREAS, Friends' motion was opposed by the Hillsborough Alliance for Adult Living, L.L.P. ("HAAL"), the owner of the PAC/HCF site, which argued that the motion was not timely because the Hillsborough case is two years old and was only temporarily

remended to COAH, that Friends interest was adequately protected by other parties to the case and that intervention would be unfair to HAAL at this late stage in the proceedings; and

WHEREAS, a brief in support of Friends' intervention was filed by New Jersey Future, Inc. ("NJF"), which suggested that if COAH did not wish to grant to Friends the status of a party to the Hillsborough case, Friends should be allowed to participate in the remand; and

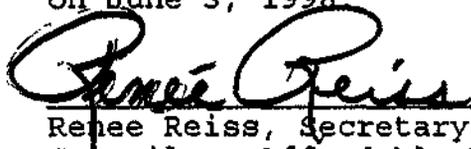
WHEREAS, oral argument on Friends' motion to intervene was heard by COAH at its regular scheduled meeting of April 1, 1998; and

WHEREAS, at its April 1, 1998 meeting the Council decided by a roll call vote that it did not wish to grant Friends' motion to intervene as a party, because of the fact that the case was before COAH on a temporary remand from the Appellate Division, but rather decided by a second roll call vote to allow Friends to participate in the remand before COAH.

NOW THEREFORE BE IT RESOLVED that the New Jersey Council on Affordable Housing hereby memorializes its decisions of April 1, 1998 granting the Friends of Hillsborough, Inc., the right to participate in the remand before COAH of In the Matter of the Petition for Substantive Certification of the Housing Element and Fair Share Plan of the Township of Hillsborough, Somerset County, Docket No. A-5349-95T1 and denying Friends' motion to intervene as

a party.

I hereby certify that this
resolution was duly adopted by
the Council on Affordable Housing
on June 3, 1998.

A handwritten signature in cursive script, appearing to read "Renee Reiss", written over a horizontal line.

Renee Reiss, Secretary
Council on Affordable Housing