

## **RESOLUTION 42-17**

### **RESOLUTION ENDORSING THE 2017 HOUSING ELEMENT AND FAIR SHARE PLAN OF THE BOROUGH OF CLAYTON**

WHEREAS, a Housing Element and Fair Share Plan was prepared and adopted by the Planning Board in 2008 after notice pursuant to applicable law, which plan received Substantive Certification by the New Jersey Council on Affordable Housing (COAH) on October 14, 2009; and

WHEREAS, the New Jersey Supreme Court, In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) ("2015 Case"), declared that the Substantive Certification granted to the Borough of Clayton, and the substantive certifications granted to other municipalities, by COAH was no longer valid, and established a transitional process for municipalities, like the Borough of Clayton, that received substantive certification from COAH to file a declaratory judgment action with the trial courts seeking to reaffirm their substantive certification; and

WHEREAS, on July 8, 2015, the Borough filed a Declaratory Judgment action, captioned In Re Affirmation of the Borough of Clayton's Substantive Certification Granted on October 14, 2009, Docket No.: L-936-15, in accordance with 2015 Case, upon notice to all interested parties ("Litigation"); and

WHEREAS, an amended Housing Element and Fair Share Plan has been prepared in response to the 2015 Case as part of the Litigation and was adopted by the Planning Board on December 21, 2015 after notice and hearing pursuant to applicable law ("2015 HEFSP"); and

WHEREAS, Fair Share Housing Center, as an interested party, reviewed the Borough's 2015 HEFSP and presented the Borough with objections thereto; and

WHEREAS, in order to amicably resolve the Litigation in a way that all parties to the Litigation agree complies with the Mount Laurel Doctrine, the Borough of Clayton and Fair Share Housing Center negotiated and executed a Settlement Agreement, dated November 7, 2016 ("Settlement Agreement"); and

WHEREAS, one of the terms of the Settlement Agreement was to amend the 2015 HEFSP to be consistent with the terms of the Settlement Agreement; and

WHEREAS, an amended Housing Element and Fair Share Plan was prepared in accordance with the Settlement Agreement, a copy of which is attached hereto as Exhibit A ("2017 Housing Element and Fair Share Plan"); and


WHEREAS, the Fair Housing Act, N.J.S.A. 52:27D-306 and regulations adopted by the Council on Affordable Housing ("COAH") require the adoption of a Housing Element by the Planning Board and endorsement by the Governing Body; and

WHEREAS, on January 23, 2017, the Planning Board adopted the 2017 Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Clayton, County of Gloucester, and State of New Jersey:

1. That the Borough Council does hereby endorse the 2017 Housing Element and Fair Share Plan adopted by the Planning Board on January 23, 2017.
2. This Resolution shall take effect immediately.

**BOROUGH OF CLAYTON**

  
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THOMAS BIANCO, Mayor

Attest:

  
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CHRISTINE NEWCOMB, Borough Clerk

**EXHIBIT B**

<b><u>Affordable Housing Project</u></b>	<b><u>Rental?</u></b>	<b><u>Age Restricted?</u></b>	<b><u># of Units</u></b>
ARC of Gloucester County (Post-1986 credits)	Yes	No	4
Emerson Green	No	No	8
Delsea View Apartments	Yes	Yes	30
Berk's Walk	Yes	No	46
Clayton Mews	Yes	Yes	103
Conifer	Yes	No	74