



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
RESOLUTION 19-262**

A Resolution of the Council of the Borough of Highlands, County of Monmouth, State of New Jersey to Appropriate Funds or Bond in the Event of A Shortfall in Funding for the Borough's Affordable Housing Programs

WHEREAS, in December 2018, the Borough of Highlands (hereinafter "Highlands or the "Borough") filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Borough simultaneously pursued, and ultimately secured, a protective order providing Highlands immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Borough adopted a Housing Element and Fair Share Plan on or about October 3, 2019; and

WHEREAS, the Borough has prepared a Spending Plan consistent with P.L.2008, c.46; and

WHEREAS, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Borough's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Borough shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands in the County of Monmouth, and the State of New Jersey to the extent permitted by law, do hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, the Borough agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Council on Affordable Housing or a court of competent jurisdiction; and

BE IT FURTHER RESOLVED that the Borough may repay debt through future collections of development fees, as such funds become available.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON		X	X			
MAZZOLA			X			
RYAN			X			
O'NEIL	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 10/16/2019



Matthew Conlon, RMC, Municipal Clerk

