



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

Resolution 20-082

A Resolution Approving an Agreement with the Affordable Housing Alliance Concerning the Monmouth Highlands Apartments

WHEREAS, the Borough of Highlands (the “Borough”) filed a declaratory judgment action captioned In the Matter of the Application of the Borough of Highlands, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-20012-17 (the “Mt. Laurel Litigation”) following the New Jersey Supreme Court’s decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mount Laurel* obligations in order to maintain immunity from builder’s remedy litigation; and

WHEREAS the Court appointed Michael P. Bolan, P.P. , AICP to serve as the Special Master in the Mt. Laurel Litigation to advise the Court and the parties on affordable housing compliance issues; and

WHEREAS, the Fair Share Housing Center (“FSHC”) is a Supreme Court designated interested party in this Mt. Laurel Litigation to advocate on behalf of low and moderate income households in the State of New Jersey and the County of Monmouth; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center (“FSHC”) which the Court subsequently approved by Order dated September 23, 2019; and

WHEREAS, the Settlement Agreement and the Court Order approving the Settlement Agreement requires the Borough to enter into an Agreement with the Affordable Housing Alliance, the owner of the Monmouth Highlands Apartments, providing for the deed restriction of the ten (10) currently non-deed restricted units for affordable housing which shall be affirmatively marked to very low, low and moderate income households for a period of at least thirty years.


WHEREAS, the Borough Council of the Borough of Highlands believes it is in the best interest of the Borough to comply with the Court Order and to maintain immunity from builder’s remedy litigation through July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands in the County of Monmouth and State of New Jersey that the Borough hereby approves the Agreement with the Affordable Housing Alliance extending affordability controls for ten units for the project known as the Monmouth Highlands

Apartments in a form which is legally acceptable to the Borough Attorney and the Borough's Special Affordable Housing Counsel.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN			X			
VALKOS		X	X			
BROULLON	X		X			

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


Matthew Conlon, RMC, Municipal Clerk

