

**MAYOR and COUNCIL of the
BOROUGH of HO-HO-KUS
BERGEN COUNTY, NEW JERSEY
Resolution # 15-83**

Subject: Declaratory Judgement Action

Dated: June 23, 2014

WHEREAS, the Supreme Court of New Jersey invalidated the growth share methodology and COAH's Third Round regulations at *N.J.A.C. 5:96 & 5:97* in its decision captioned *In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council of Affordable Housing*, 215 *N.J.* 578 (2013); and

WHEREAS, on March 10, 2015 the Supreme Court issued an order eliminating the administrative processes afforded municipalities by the Fair Housing Act N.J.S.A. 52:27D-301 *et. seq.*, effective June 8, 2015; and

WHEREAS, the Supreme Court provided for a thirty day window after June 8, 2015, during which time many municipalities will be able to file declaratory judgment actions in Superior Court to obtain, in practical effect, a judicial version of the substantive certification they had either received or applied for under N.J.S.A. 52:27D-313; and

WHEREAS, the Borough wishes to file a declaratory judgment action pursuant to the process set forth in the Supreme Court's March 10, 2015 Order; and

WHEREAS, notwithstanding the period of uncertainty over new Third Round Rules, the Borough has continued efforts to provide for low and moderate income housing opportunities within the Borough; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ho-Ho-Kus, County of Bergen and State of New Jersey, as follows:

1. The Borough Attorney is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Borough seeking a Judgment of Compliance and/or Repose with the Borough's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court, as well as during the period of Court review of the Borough's plan and all implementing ordinances.

2. The Borough Attorney, Affordable Housing Planner, Borough Planner, and Borough Engineer along with members of their respective firms are authorized to take such actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Borough's Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to conduct an analysis of the Borough's housing stock, and to conduct such other studies as may be determined necessary.

3. This Resolution shall take effect immediately.

I, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus, Bergen County, New Jersey do hereby certify the attached to be a true copy of an ordinance adopted by the Mayor and Council on June 23, 2015.

*Laura Borchers, RMC/CMR
Borough Clerk*

	Moved	Second	Ayes	Nays	Absent	Abstain
Mayor Randall						
Councilmember Troast	X		X			
Councilmember Iannelli			X			
Councilmember Shea					X	
Councilmember Rorty		X	X			
Councilmember Weiss					X	
Councilmember Shell			X			