

TOWNSHIP OF WALL

RESOLUTION NO. 21-0325

**AUTHORIZATION TO EXECUTE A DEVELOPER'S AGREEMENT WITH
HABITAT FOR HUMANITY**

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Township of Wall (hereinafter "Wall Township" or the "Township") filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "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 Township simultaneously sought, and ultimately secured, a protective order providing Wall Township immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan, which is still in full force and effect; and

WHEREAS, with assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Township and FSHC on December 18, 2019 (hereinafter "FSHC Settlement Agreement"), which is in the process of being amended; and

WHEREAS, a Fairness Hearing was held on June 24, 2020, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on July 21, 2020; and

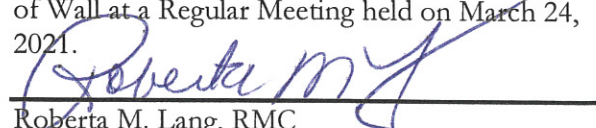
WHEREAS, the Township intends to enter into a Developer's Agreement with Habitat for Humanity to effectuate the development of nineteen (19) for-sale affordable units as part of the Township's Scattered Site Program, which is part of the FSHC Settlement Agreement as amended and the Township's Fair Share Plan; and

WHEREAS, in light of the above, the Township Committee finds that it is in the best interest of Wall Township to enter into a Developer's Agreement with Habitat for Humanity, which will assist the Township in gaining Court approval of its Fair Share Plan which, in turn, will maintain the Township's immunity from all Mount Laurel lawsuits through July 2, 2025.

NOW, THEREFORE, BE IT RESOLVED on this 24TH day of March, 2021, by the Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

1. The Township Committee hereby authorizes and directs the Mayor of Wall Township to execute a Developer's Agreement between the Township and Habitat for Humanity in a form consistent with the intent of the FSHC settlement agreement as amended and content acceptable to the Township Administrator and the Township Attorney.

I, Roberta M Lang, Township Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held on March 24, 2021.



Roberta M. Lang, RMC
Municipal Clerk