

RESOLUTION NO. 2008-107

WHEREAS, on December 17, 2007, COAH proposed revised third round regulations that require municipalities with pending petitions to adopt a revised Housing Element and Fair Share Plan in conformance with the revised third round regulations and petition in accordance with the deadlines prescribed in the proposed procedural rules; and

WHEREAS, COAH's current regulations at N.J.A.C. 5:94-6.12(e), allow 20 percent of monies deposited in a municipal housing trust fund account to be expended on administrative costs, which includes, but is not limited to, consultant fees necessary to develop or implement a Housing Element and Fair Share Plan in accordance with COAH's proposed third round; and

WHEREAS, the Township of Aberdeen petitioned the Council on Affordable Housing (the Council) for substantive certification of a third round Housing Element and Fair Share Plan on December 16, 2005; and

WHEREAS, pursuant to N.J.A.C. 5:94-6.2(c), a municipality under the Council's jurisdiction shall not spend development fees unless the Council has approved a plan for spending such fees and until the municipality has received substantive certification or a judgment of compliance; and

WHEREAS, on March 25, 2008 the COAH issued a blanket waiver from N.J.A.C. 5:94-6.2(c) for municipalities with COAH approved development fee ordinances and an established housing trust fund account to allow the expenditure of up to 20 percent of housing trust funds prior to the grant of certification and/or approval of a spending plan, on the cost of developing a revised Housing Element and Fair Share Plan in accordance with COAH's new third round rules; and

WHEREAS, the waiver issued by the Council requires that the Township of Aberdeen shall pass a resolution stating the current balance in the municipal housing trust fund account and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules, shall not exceed 20 percent allowed for administrative costs.

NOW THEREFORE BE IT FURTHER RESOLVED by the governing body of the Township of Aberdeen, in the County of Monmouth, State of New Jersey, that the Township of Aberdeen commits to petition COAH for substantive certification of a newly adopted

Housing Element and Fair share Plan in accordance with COAH's new third round regulations; and

BE IT FURTHER RESOLVED that the Township of Aberdeen's current balance in the municipal housing trust fund account is \$1,939,873.25 and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules \$80,000.00 which does not exceed the 20 percent allowed for administrative cost; and

BE IT FURTHER RESOLVED that this resolution shall be submitted to COAH within seven days of the municipal governing body action