

**Township of West Orange
County of Essex**

**WEST ORANGE RESOLUTION ADOPTING AMENDED
TRUST FUND SPENDING PLAN**

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the provisions of affordable housing; and

WHEREAS, in Holmdel Builder’s Ass’n v. Holmdel Township, 121 N.J. 550 (1990), the Supreme Court determined that municipalities are authorized under the FHA to assess and collect mandatory affordable housing development fees from developers of commercial and non-inclusionary residential development projects subject to the rules and regulations of COAH; and

WHEREAS, pursuant to its power under FHA, COAH has adopted regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal Affordable Housing Trust Funds and corresponding spending plans; and

WHEREAS, in accordance with the FHA and COAH rules, the Township received a grant of substantive certification on December 9, 2009 and received approval to maintain an Affordable Housing Trust Fund in December 2009; and

WHEREAS, the Township wishes to amend its Spending Plan that was previously approved by COAH in December 2009 in order to commit \$3,000,000 from Affordable Housing Trust Account for a municipal construction project known as Valley Road Residential, LLC.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange, Essex County, as follows:

1. The Township of West Orange hereby adopts and approves an amended Trust Fund Spending Plan dated April, 25, 2017. Said Spending Plan is attached hereto as Exhibit A and made a part hereof.
2. A certified true copy of this Resolution together with the amended Spending Plan shall be filed by the municipal clerk with the Court Master and Superior Court.

I certify this to be a true copy of a Resolution adopted by the Township Council of the Township of West Orange held on April 25, 2017.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Joe Krakoviak
Council President

Adopted: April 25, 2017