

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER,
STATE OF NEW JERSEY, ADOPTING AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN
TO THE TOWNSHIP'S MASTER PLAN**

WHEREAS, on February 9, 1990, Elk Township (the "Township") submitted a Round I Housing Element and Fair Share Plan to the Council on Affordable Housing ("COAH"), in response to a determination that the Township's Round I obligation consisted of 29 rehabilitations and 92 new units; and

WHEREAS, on December 4, 1991, COAH issued Administrative Order No. 8, which required the Township to complete and submit certain information within 60 days, after which the Township complied with the requirements as confirmed by COAH's review report dated December 9, 1992; and

WHEREAS, the Housing Element was amended by the Planning Board of Elk Township (the "Board") on April 2, 1992 and the Elk Township Committee re-petitioned COAH for substantive certification on April 2, 1992; and

WHEREAS, on February 3, 1993, the Township received substantive certification of its Round I Housing Element and Fair Share Plan, during which it was determined by COAH that the wastewater treatment capacity in the Township constituted a scarce resource (since only 250,000 gpd had been allocated), and thereby approved a durational adjustment, which was to remain in effect until adequate wastewater treatment capacity becomes available to serve the inclusionary housing site, which certification expired in 1999; and

WHEREAS, from 1999 through 2010 did the Township correspond with and attempt to work with COAH regarding the Township's Rounds I, II and III affordable housing obligation, during which time numerous ordinances, plans, amendments and requests for certification were made by the Township; and

WHEREAS, in 2008, the New Jersey Council on Affordable Housing ("COAH") had adopted replacement rules regarding affordable housing obligations codified at N.J.A.C. 5:97-1, et. seq., based on the New Jersey Supreme Court's ("Supreme Court") prior invalidation of said section of the state's Administrative Code; and

WHEREAS, on September 26, 2013, the Supreme Court, in its Opinion, In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council of Affordable Housing, 215 NJ 578 (2013), invalidated the “Third Round” regulations adopted in 2008 by COAH; and

WHEREAS, on March 14, 2014, the Supreme Court issued an order directing COAH to adopt new Third Round regulations on or before May 1, 2014, and to adopt said regulations no later than October 22, 2014; and

WHEREAS, COAH failed to adopt new regulations by the deadline set by the Supreme Court; and

WHEREAS, on March 10, 2015, the Supreme Court issued its opinion In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council of Affordable Housing, 221 NJ 1 (2015), which provides new guidelines for municipalities to comply with constitutional requirements to provide for their fair share of affordable housing, including a transitional process by which municipalities could seek a JOR in lieu of Substantive Certification from COAH; and

WHEREAS, on July 8, 2015, the Township filed a Petition for Declaratory Judgment seeking temporary immunity from Mount Laurel lawsuits in the Superior Court of the State of New Jersey – Law Division, Gloucester County, under Docket No.: GLO-L-000913-15, and subsequently received an Order from said court granting the Township temporary immunity through April 30, 2016, provided that the Township files an amended Housing Element and Fair Share Plan which reasonably addresses the Township’s present and future affordable housing obligation; and

WHEREAS, in compliance with the Court’s Order set forth immediately above, the Board held a meeting and public hearing on March 16, 2016, after due and proper notice was provided of the same as required pursuant to the New Jersey Municipal Land Use Law (“MLUL”), at N.J.S.A. 40:55D-1, et seq., to receive public input and to review a proposed amendment to the Housing Element and Fair Share Plan in the Township’s Master Plan; and

WHEREAS, at said March 16, 2016 meeting and public hearing did the Board determine that further revisions needed to be made to the proposed Amendments to the Master Plan, and did so inform the public present that the matter would be carried to the April 20, 2016 meeting of the Board for final action; and

WHEREAS, the Board did meet and hold a public hearing on the final draft of the amendment to the Housing Element and Fair Share Plan to the Township’s Master Plan dated April 13, 2016, on April 20, 2016;

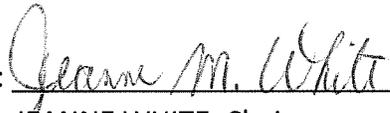
NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Township of Elk, County of Gloucester, State of New Jersey, that the Township’s Housing Element and Fair Share Plan of the Master Plan entitled *Housing Element and Fair Share Plan* dated April 13, 2016, should be adopted by the Board; and

WHEREUPON, following a public hearing by the Board on April 20, 2016, a motion was made by Board Member Goss, which was seconded by Board member Schmidt, to adopt the amendment to the Township’s Housing Element and Fair Share Plan of its Master Plan dated April 13, 2016, as referenced immediately above, with the following Board Members voting as follows:

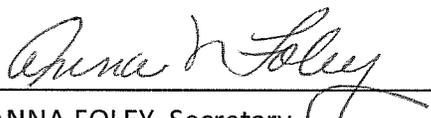
<u>MEMBER</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>RECUSED</u>	<u>ABSENT</u>
WHITE	X				
POISKER	X				
McCREERY					X
NICHOLSON	X				
McKEEVER	X				
SHOULTZ	X				
HUGHES					X
BARBARO	X				
SCHMIDT	X				
GOSS (Alt. # 1)	X				
PENZA (Alt. # 2)					X

THIS RESOLUTION was adopted by the Planning Board of the Township of Elk, County of Gloucester, State of New Jersey, on April 20, 2016, as memorization of the approval granted by the Board as set forth hereinabove.

ELK TOWNSHIP PLANNING BOARD

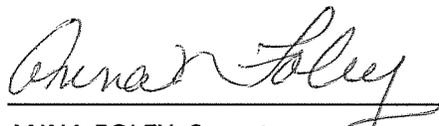
By: 
JEANNE WHITE, Chairperson

ATTEST:

By: 
ANNA FOLEY, Secretary

CERTIFICATION

I hereby certify that the above referenced resolution is a true copy of a resolution adopted by the Planning Board of the Township of Elk, County of Gloucester, State of New Jersey at a meeting and public hearing held by the same, on April 20, 2016 at 7:30 PM, time prevailing, at the Elk Township Municipal Building, 680 Whig Lane, Monroeville, N.J. 08343.


ANNA FOLEY, Secretary