

**FLORENCE TOWNSHIP  
PLANNING BOARD**

**RESOLUTION NO. P.B.-2018-19**

**RESOLUTION OF MEMORIALIZATION  
ADOPTING AMENDED THIRD ROUND HOUSING  
ELEMENT AND FAIR SHARE PLAN**

**Decided: August 28, 2018**  
**Resolution Memorialized: August 28, 2018**

**WHEREAS**, in the New Jersey Supreme Court’s March 10, 2015 decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court, and established a transitional process for certified municipalities, like the Township of Florence, to file declaratory judgment actions seeking to have their Housing Elements and Fair Share Plans (“HEFSPs”) found constitutionally compliant;

**WHEREAS**, municipalities whose HEFSPS are found constitutionally compliant by the New Jersey Superior Court are entitled to protections similar to those they would have received if they had continued to proceed before COAH; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-313 and Mount Laurel IV, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

**WHEREAS**, the Township of Florence filed a declaratory judgment action on July 8, 2015 with the New Jersey Superior Court asking the Court to declare Florence Township’s HEFSP constitutionally compliant, and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the “Action”); and

**WHEREAS**, the Township's Affordable Housing Planning Consultants, Mary Beth Lonergan, PP, AICP and Kendra Lelie, PP, AICP, LLA of Clarke Caton Hintz, have prepared an HEFSP dated April 2018 that addresses the Township's affordable housing obligation ("2018 HEFSP");

**WHEREAS**, the 2018 HEFSP is an amendment to the 2008 Third Round plan amendment adopted by the Planning Board and endorsed by the Township of Florence in 2008 and granted third round certification by COAH in 2009. The Township adopted a 2010 plan amendment which was not certified by COAH prior to 2010 Appellate Division invalidation of COAH's 'growth share' methodology.

**WHEREAS**, the 2018 HEFSP is the basis for the Township's request to the New Jersey Superior Court for a Judgment of Compliance and Repose;

**WHEREAS**, the New Jersey Superior Court has advised that it is acceptable and appropriate for Florence Township to settle its Action through entry of a settlement agreement with interested party, Fair Share Housing Center ("FSHC");

**WHEREAS**, on behalf of the Florence Township Council, the Mayor executed the settlement agreement on November 14, 2016 and the Mayor executed an amended Settlement Agreement on November 8, 2017 (the "Settlement Agreement");

**WHEREAS**, and the Settlement Agreement was approved by the New Jersey Superior Court by Order of the Honorable John E. Harrington P.J.Cv., dated December 21, 2017, which Order established the Township's fair share obligations and preliminarily approved the Township's compliance mechanisms;

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on April 24, 2018;  
and



**WHEREAS**, the Planning Board determined that the Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's Master Plan and Master Plan Re-examination Report, and that the adoption and implementation of the Housing Element and Fair Share Plan are in the public interest, protect public health and safety, and promote the general welfare.

**WHEREAS**, by way of its Resolution 2018-11 the Planning Board adopted the 2018 HEFSP dated April 2018;

**WHEREAS**, in the time since the 2018 HEFSP was adopted, Florence Township has received comments on the HEFSP in a report dated June 27, 2018 from the Court-appointed Special Master charged with overseeing Florence Township's compliance efforts, Betsy McKenzie;

**WHEREAS**, on August 28, 2018 at a duly noticed public hearing, Mary Beth Lonergan, PP AICP, the Township's affordable housing planning consultant, testified concerning proposed amendments to April 2018 HEFSP that have been incorporated into an amended HEFSP dated August 2018;

**WHEREAS**, the amended HEFSP includes revisions concerning the history and proposed implementation of the Township's Fair Share Plan and Housing Element which address all comments in the report from the court-appointed Special Master;


**WHEREAS**, the Planning Board determined that the amended Housing Element and Fair Share Plan dated August 2018 remains consistent with the goals and objectives of the Township's Master Plan and Master Plan Re-examination Report, and that the adoption and implementation of the August 2018 amended Housing Element and Fair Share Plan are in the public interest, protect public health and safety, and promote the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of Florence Township, Burlington County, New Jersey, on this 28<sup>th</sup> day of August, 2018, the Planning Board hereby adopts the amended 2018 HEFSP, dated August 2018, in the form attached hereto as Exhibit A.

**MOTION TO FIND 2018 HEFSP DATED AUGUST 2018 CONSISTENT WITH THE TOWNSHIP MASTER PLAN and MASTER PLAN RE-EXAMINATION REPORT, AND TO ADOPT SAID PLAN AS THE HOUSING ELEMENT OF THE TOWNSHIP MASTER PLAN:**

Moved by : Mr. Pagano  
Seconded by : Mr. McCue  
In Favor : Mr. Pagano, Mr. McCue, Mr. Molimock, Mr. Montgomery,  
Mr. Morris, Councilman Lovenduski, Chair Hamilton-Wood  
Opposed : None  
Recused : None  
Absent : Mayor Wilkie


**FLORENCE TOWNSHIP PLANNING BOARD**

  
Mildred Hamilton-Wood, Chair

Dated: 8/28/18

**CERTIFICATION**

**BE IT REMEMBERED** that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on August 28, 2018 and memorializes a decision taken by the Board on August 28, 2018.

  
Wayne Morris, Secretary

Dated: 8/28/18