

RESOLUTION NO. 2009-613

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CALLING UPON THE STATE LEGISLATURE TO ADDRESS THE INEQUITY IN THE COURT DECISION OF HOMES OF HOPE V. TOWNSHIP OF EASTAMPTON

WHEREAS, on Monday, August 24, 2009, an Appellate Division panel in the case of Homes of Hope v. Township of Eastampton affirmed a lower court ruling that a developer can still argue affordable housing is "inherently beneficial" and compel a municipality to accept more than its fair share of regional need, even if the municipality has satisfied its regional need; and

WHEREAS, this action was brought against Eastampton even though the Township had met and exceeded its affordable housing obligations; and

WHEREAS, in a concurring opinion it was stated that the Legislature may need to act to correct the apparent conflict between the concept of "inherently beneficial issues: under the Municipal Land Use Law and the Fair Housing Act:

NOW, THEREFORE, BE IT RESOLVED, this 5th day of October, 2009 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The State Legislature should immediately pass legislation to correct the Eastampton decision by providing that no municipality may be compelled through variance or otherwise to provide more than its fair share of affordable housing

2. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Jon S. Corzine, Governor;
- (b) Honorable Christopher J. Connors, State Senator;

- (c) Stn District Legislators;
- (d) President of the State Senate;
- (e) Speaker of the General Assembly; and
- (0) New Jersey League of Municipalities.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 5, 2009, a quorum being present and voting in the majority.

KATHLEEN T. WEST, Township Clerk

Prepared by:

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JJD/gj/Barnegat Resolutions 2009[GL-I 7982]
Affordable Housing Issues-CO/MAU-14225]

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