

**RESOLUTION NO. 2021 -96**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE ANNUAL UPDATE OF THE  
INCOME LIMITS FOR AFFORDABLE HOUSING  
UNITS IN ACCORDANCE WITH THE  
SETTLEMENT AGREEMENT BETWEEN THE  
TOWNSHIP OF BARNEGAT AND FAIR SHARE  
HOUSING CENTER**

**WHEREAS**, the Fair Share Housing Center (hereinafter referred to as “FSHC”) has been designated as an interested party by the Supreme Court of New Jersey in all declaratory judgment matters filed by New Jersey municipalities, including the Declaratory Judgment Litigation that the Township of Barnegat (hereinafter referred to as “Township”) filed with the Superior Court of New Jersey on or about July 2, 2015, in the matter captioned as In the Matter of the Township of Barnegat, County of Ocean, Docket No. OCN-L-1856-15, in which the Township is seeking, amongst other things, a judicial declaration that its Housing Plan Element and Fair Share Plan satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and,

**WHEREAS**, the Township and FSHC reached an amicable settlement of the Declaratory Judgment litigation, which was memorialized in a Settlement Agreement, dated April 20, 2017, and amended June 8, 2018, that was approved by the Court by way of Order that was entered by the Honorable Mark A. Troncone, J.S.C. on June 19, 2018; and,

**WHEREAS**, the aforesaid Settlement Agreement does not address the regional income limits for all affordable housing units that determine the income classification of low and moderate-income households as a percentage of the regional median household income as determined by the United States Department of Housing and Urban Development (hereinafter referred to as “HUD”); and,

**WHEREAS**, in order to effectively implement the Township’s Housing Plan Element and Fair Share Plan, regional income limits based on regional median household income determined by HUD and published by the Affordable Housing Professionals of New Jersey annually should be used to determine household eligibility for low and moderate-income housing; and

**WHEREAS**, the Township wishes to utilize the 2020 regional income limits established by HUD; and

**WHEREAS**, the Township wishes to utilize additional future regional income limits established by HUD for 2021 and subsequent years upon publication; and

**NOW, THEREFORE, BE IT RESOLVED** on this 2nd day of February, 2021 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that the Township does hereby update the income limits for all affordable housing units that are the subject of the Settlement Agreement between the Township and FSHC, dated April 20, 2017, amended June 8, 2018 and approved by the Court on

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June 19, 2018, as well as any subsequent consent orders, so that the 2020 regional income limits established by HUD may be utilized and other future publications of the regional income limits established by HUD may automatically be utilized upon publication.

**BE IT FURTHER RESOLVED** any and all other Township officials are hereby authorized to take any further action that might be necessary to effectuate the purposes of this Resolution.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Al Bille, Mayor;
- (b) Martin Lisella, Administrator;
- (c) Peter Van Den Kooy, PP, AICP, Affordable Housing Planner;
- (d) Kurt Otto, PE, PPE, CME, Township Engineer;
- (e) Christopher J. Dasti, Township Attorney;
- (f) Fair Share Housing Center

### **CERTIFICATION**

I hereby certify that the above resolution was duly adopted by the Township of Barnegat at a meeting held on February 2, 2021, a quorum being present and voting in the majority.

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Michele Rivers, Township Clerk

Prepared by:  
**DASTI & ASSOCIATES**

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