

RESOLUTION 2018 - 191

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE
OF NEW JERSEY**

**In the Matter of the Application of the Township of Barnegat for a Final Judgement of
Compliance and Repose of its Obligations under the Fair Housing Act and Approval of its
Spending Plan**

Docket No. OCN-L-1856-15

FIRST AMENDMENT

to

SETTLEMENT AGREEMENT

This First Amendment to the Settlement Agreement (the "Agreement"), is entered into this 24TH day of May, 2018 by and among the Township of Barnegat, Ocean County, Declaratory Plaintiff in the above-captioned matter, which has an address of 900 West Bay Avenue, Barnegat, New Jersey 08005 (hereafter "the Township"); and Fair Share Housing Center, a nonprofit organization, with an address of 510 Park Boulevard, Cherry Hill, New Jersey 08002 ("FSHC") (collectively referred to as "the Defendants") (Plaintiff, collectively referred to as the "Parties").

WHEREAS, on April 20, 2017, the Township of Barnegat entered a Settlement Agreement with Fair Share Housing Center; and

WHEREAS, on December 5, 2017, the Honorable Mark A. Troncone J.S.C., issued an Order granting approval of the Supplemental Settlement Agreement and approving the Redevelopment Plan Term Sheet agreed to by the Township, Fair Share Housing Center, 111 West Bay and Nautilus, LLC and Barnegat Hills Associates, LP, and issued an Amendment to said Consent Order on February 2, 2018, which was attached to and made a part of the executed Settlement Agreement; and

WHEREAS, the Township has since that time amended its Housing Element and Fair Share Plan to include additional sites to meet its fair share obligations and to remove a site that no longer presents a realistic opportunity for affordable housing;

WHEREAS, the amendments do not involve any changes to the Township's affordable housing obligations as previously approved by the Court regarding the Township's Rehabilitation Share of 86 housing units, its Prior Round Obligation of 329 housing units, and its Third Round Obligation of 367 units, respectively, all as previously determined by Judge Troncone to be fair to the interests of the region's low and moderate income households; and

WHEREAS, as a result of the changes made to the Housing Element and Fair Share Plan as described above, it is necessary to amend the Settlement Agreement to replace the Housing Element and Fair Share Plan that was previously attached to and made a part of the Agreement, with the amended Housing Element and Fair Share Plan; and

WHEREAS, the parties also wish to establish a process for updating the income limits for qualifying low- and moderate-income households for affordable housing in the Township.

NOW THEREFORE, BARNEGAT AND FSHC AGREE AS FOLLOWS:

1. The amended Housing Element and Fair Share Plan attached hereto shall replace in its entirety, the Housing Element and Fair Share Plan previously attached to the approved Settlement Agreement as Exhibit A.
2. The amended Housing Element and Fair Share Plan modifies the overall affordable units/credits for Barnegat Township and adds special needs housing projects for Bonus credit that were excluded from the original plan.
3. The Amended Housing Element and Fair Share Plan modifies the Spending Plan to reflect the most current status of reimbursements and expenditures in the trust fund.
4. Appendices of the amended Housing Element and Fair Share Plan Contains revised Ordinances for to reflect minor adjustment requested by the Special Master.
5. All other provisions set forth in the April 20, 2017 Settlement Agreement, which was approved by the Court on December 5, 2017, and amended on February 2, 2018, remain unchanged.

IN WITNESS WHEREOF, the Plaintiff and Intervenors/Defendants hereto have caused this Agreement to be properly executed and attested to this 24th day of May, 2018.

ATTEST:

Plaintiff Township of Barnegat

By: _____
Frank Caputo, Mayor

Dated: _____

Dated: _____

Fair Share Housing Center, Inc.

By: _____
Adam Gordon, Esq.

Dated: _____

Dated: _____