

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF TOWNSHIP OF MOUNT OLIVE  
AUTHORIZING THE TOWNSHIP ATTORNEY TO FILE A DECLARATORY JUDGMENT  
ACTION WITH THE SUPERIOR COURT SEEKING JUDICIAL APPROVAL OF THE  
TOWNSHIP'S COMPLIANCE WITH ITS THIRD ROUND AFFORDABLE HOUSING  
OBLIGATION IN ACCORDANCE WITH THE NEW JERSEY SUPREME COURT DECISION  
IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97  
BY NJ COUNCIL ON AFFORDABLE HOUSING**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that enforcement of the Fair Housing Act ("FHA") and the Mount Laurel Doctrine be returned from the NJ Council on Affordable Housing ("COAH") to the New Jersey Superior Courts, due to COAH's failure to adopt Third Round Rules on municipal affordable housing obligations; and

**WHEREAS**, the NJ Supreme Court ordered in that decision that municipalities which had either received Third Round Substantive Certification or been declared to have "Participating" status by COAH are permitted to file a declaratory judgment action with its County's Superior Court; and

**WHEREAS**, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality's affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, such that the Township may receive from the courts substantive certification and accompanying protection as afforded under the FHA; and

**WHEREAS**, the Supreme Court ruled that a municipalities' Third Round fair share obligation and housing plan must be evaluated under the prior round methodology; and

**WHEREAS**, the Township of Mount Olive was declared to have "participating status"; and

**WHEREAS**, the Mayor and Township Committee deem it to be in the best interest of the Township and its residents to authorize the Township Attorney to file a declaratory judgment action seeking judicial approval of the Township's compliance with its Third Round affordable housing obligation.

**NOW, THEREFORE, BE IT RESOLVED** by the Mount Olive Township Council, in the County of Morris and State of New Jersey, as follows:

1. The Township Attorney is hereby authorized to file a declaratory judgment action with the Morris County Superior Court to seek judicial approval of the Township's compliance with its Third Round affordable housing obligation and any other actions deemed necessary in accordance therewith.
2. The Mayor and Township Administration are hereby authorized to execute any and all documents necessary to implement and effectuate this Resolution.

This Resolution shall take effect immediately.

TOWNSHIP OF MOUNT OLIVE

\_\_\_\_\_  
Joe Nicastro, Council President

I hereby certify the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on May 12, 2015.

---

Lisa Lashway, Township Clerk