

**RESOLUTION AUTHORIZING THE BOROUGH TO PURCHASE THE AFFORDABLE
HOUSING UNIT LOCATED AT 13 CITATION COURT**

WHEREAS, the Borough of Tinton Falls (“Borough”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Tinton Falls, Docket No. MON-L-2475-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about April 20, 2018 establishing the Borough’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court entered an order on November 7, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and.

WHEREAS, the Court entered a Third Round Judgment of Compliance and Repose in the Borough’s favor on July 17, 2023 approving the Borough’s Third Round Housing Element and Fair Share Plan including its Spending Plan protecting the Borough from builder’s remedy lawsuits through July 1, 2025; and

WHEREAS, the Borough has an interest in maintaining its existing affordable housing stock in order to continue to meet its constitutional obligation to provide for its fair share of affordable housing and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq.(“UHAC”) specifically authorizes municipalities to purchase affordable housing units in order to protect the unit from foreclosure which could result in the termination of the affordability controls and the Borough losing credit from the unit towards its overall affordable housing obligation; and

WHEREAS, a foreclosure complaint has been filed against the owner of an affordable housing unit located at 13 Citation Court (the “Unit”), and the Borough is interested in purchasing the unit so that it could resell the unit to a low- or moderate-income household in furtherance of the Borough’s constitutional obligation to provide for its fair share of affordable housing.

WHEREAS, the Borough Council believes it is in the best interest of the Borough to purchase the Unit to maintain the affordability controls so that the Borough may continue to obtain affordable housing credit towards its future affordable housing obligation.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Tinton Falls, County of Monmouth, hereby authorizes the Borough of Tinton Falls to purchase the affordable housing unit and property located at 13 Citation Court for a price up to the maximum restricted price as determined by the Borough’s Affordable Housing Administrator.

BE IT FURTHER RESOLVED that upon acquisition of the Unit, the Borough is authorized to resell the Unit to a qualified low-and moderate-income household in conformance with COAH’s regulations.

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator and Special Affordable Housing Counsel are hereby authorized to execute all documents necessary to purchase and sell the Unit and otherwise implement this Resolution.

Risa Clay, Council President

BOROUGH OF TINTON FALLS COUNCIL

Council Member	Moved	Second	Ayes	Nays	Absent	Abstain
Ms. Buckley						
Dr. Dobrin						
Mr. Nesci						
Mrs. Clay						

CERTIFICATION

I, Doreen D’Annunzio, Deputy Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held December 3, 2024.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 3rd day of December 2024.

Doreen D’Annunzio
Deputy Borough Clerk