

Township of West Milford

Passaic County, New Jersey

~ Resolution No. 2012 – 213 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, PASSAIC COUNTY, STATE OF NEW JERSEY REQUESTING REVIEW AND APPROVAL OF A REVISED MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Township of West Milford received substantive certification on October 6, 1999 for its Second Round petition and adopted an affordable housing trust fund ordinance on May 7, 2008; and

WHEREAS, the Township Council of the Township of West Milford, Passaic County petitioned the Council on Affordable Housing (COAH) for substantive certification on June 8, 2010 for its Third Round Housing Element and Fair Share Plan (HE/FSP) dated May 27, 2010 prepared in accordance with N.J.A.C. 5:96 and 5:97; and

WHEREAS, the Township of West Milford did also submit a Spending Plan dated June 2, 2010 to COAH prepared in accordance with N.J.A.C. 5:96 and 5:97; and

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011; and

WHEREAS, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;

5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of West Milford has prepared an amended Spending Plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46 in order to specify a municipally-owned property known as Lot 12 in Tax Block 10508, which is one of the municipally-owned properties identified in the Township's Third Round HE/FSP, for the purpose of committing funds from the Township's Affordable Housing Trust Fund to Morris Habitat for Humanity to develop the site in question for a single-family home.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Milford, in the County of Passaic does hereby request that DCA's Local Planning Services review and approve the Township of West Milford's revised Spending Plan dated June 6, 2012.

Adopted: June 27, 2012

Adopted this 27th day of June, 2012
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk