

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 15-2023** - Ordinance of the Borough of Eatontown Entitled "**ORDINANCE AUTHORIZNG DONATION OF BLOCK 401, LOTS 10, 11, 129, AND 130 TO HABITAT FOR HUMANITY**" was passed after a public hearing at the regular meeting of May 24, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 15-2023

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH

ORDINANCE AUTHORIZNG DONATION OF BLOCK 401, LOTS 10, 11, 129, AND 130 TO HABITAT FOR HUMANITY

WHEREAS, the Borough filed a declaratory judgment action captioned In the Matter of the Application of the Borough of Eatontown, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2522-15 (the "Mt. Laurel Litigation") in July 2015 following the New Jersey Supreme Court's decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities which were before the Council on Affordable Housing, such as the Borough of Eatontown were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mount Laurel* obligations in order to maintain immunity from builder's remedy litigation; and

WHEREAS, the Borough entered into a Settlement Agreement with the Fair Share Housing Center on December 17, 2018 to resolve the Superior Court Litigation, and the Court thereafter entered a Final Third Round Judgment of Repose and Compliance on January 17, 2020 approving the Settlement Agreement with Fair Share Housing Center and immunizing the Borough from builder's remedy litigation through July 1, 2025.

WHEREAS, the Borough is seeking to plan for its Fourth Round affordable housing obligation by donating land to Habitat for Humanity to construct a single family home on Block 401, Lots 10, 11, 129 and 130 (the "Subject Properties") which will be deed restricted as an affordable housing unit available to either a low or moderate income household in conformance with COAH and UHAC regulations.

WHEREAS, the Local Land and Buildings Law, N.J.S.A. 40A:12-21 and the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. authorizes a municipality to sell real property for nominal consideration to a nonprofit organization for the purpose of building residential property for resale for affordable housing purposes; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to donate the Subject Properties for the laudable public purpose of having Habitat for Humanity construct a single family home which will be deed restricted for occupancy by a low or moderate income household in accordance with COAH and UHAC regulations.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby approves the conveyance of Block 401, Lots 10, 11, 129 and 130 for nominal consideration to Habitat for Humanity.

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to negotiate and finalize a Developer's Agreement with Habitat for Humanity for the conveyance of the Subject Properties in accordance with all requirements of law.

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.