

**RESOLUTION #2017-73**

**RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF SHREWSBURY AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER**

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Borough filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, the Borough simultaneously sought, and ultimately secured, a protective order providing Shrewsbury immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

**WHEREAS**, the trial judge also appointed Frank J. Banisch, III, P.P., A.I.C.P. as the “Special Master,” as is customary in Mount Laurel matters adjudicated in the courts; and

**WHEREAS**, Shrewsbury and FSHC engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as Exhibit A; and

**WHEREAS**, through this process, the Borough and FSHC agreed upon the Borough’s affordable housing obligations and the compliance techniques necessary for Shrewsbury to satisfy its “fair share” of the regional need for low- and moderate-income housing; and

**WHEREAS**, the Borough and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval via duly-noticed Mount Laurel “Fairness Hearing;” and

**WHEREAS**, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region's low- and moderate-income households; and

**WHEREAS**, in light of the above, and on the recommendation of the Borough's Special Mount Laurel Counsel, the Borough Council finds that it is in the best interests of Shrewsbury to execute the attached Settlement Agreement with FSHC and to take various other actions delineated below which will ultimately result in approval of the Borough's Fair Share Plan which, in turn, will maintain the Borough's immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329.

**NOW, THEREFORE, BE IT RESOLVED** on this 17 day of July, 2017, by the Council of the Borough of Shrewsbury, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council hereby authorizes and directs the Mayor to execute the attached Settlement Agreement and to provide a copy of same to the Borough's Special Mount Laurel Counsel as soon as practicable thereafter.

2. The Borough Council hereby directs its Special Mount Laurel Counsel to file the fully-executed Settlement Agreement with the Court and take all actions reasonable and necessary to secure an Order approving the Settlement Agreement and ultimately to secure judicial approval of the Borough's Fair Share Plan, as may be amended by the Land Use Borough pursuant to the Agreement and subject to the public hearing process set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Council of the Borough of Shrewsbury at a regular meeting held on the 17th day of July, 2017, a quorum being present and voting in the majority.

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KATHLEEN P. KRUEGER, R.M.C., C.M.R., Borough Clerk