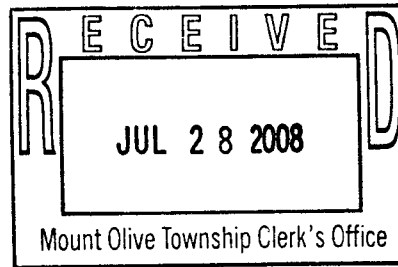


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Plan

TOWN OF BOONTON
100 WASHINGTON STREET
BOONTON, NEW JERSEY • 07005



RESOLUTION 08-152

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, OPPOSING THE THIRD ROUND AFFORDABLE HOUSING RULES AS ADOPTED BY THE COUNCIL ON AFFORDABLE HOUSING

WHEREAS, on December 17, 2007, the News Jersey Council on Affordable Housing (COAH) voted to propose its revised third round regulations in response to the Appellate Court decision of January 25, 2007; and

WHEREAS, on May 6, 2008, COAH voted to adopt the rules, with minor clarifications, as N.J.A.C. 5:96 (Procedural Rules) and N.J.A.C. 5:97 (Substantive Rules); and

WHEREAS, the revised rules became effective June 2, 2008; and

WHEREAS, the revised rules will have a negative impact upon economic development within the Town of Boonton as well as within the State of New Jersey; and

WHEREAS, under the revised rules many municipalities are being required to plan for affordable housing based upon growth which is unlikely to occur, since COAH has used a flawed approach in calculating prospective growth; and

WHEREAS, under the revised rules the large retroactive obligation will serve to undermine prior compliance efforts, requiring municipal property taxpayers to suffer a higher tax burden; and

WHEREAS, under the revised rules residential development generating such a high growth share obligation will create a shortfall that must be paid by property taxpayers, since neither the proposed mandatory development fees, or the proposed payments in lieu of constructing affordable units are insufficient to pay for municipal construction of units, since the proposal understates construction costs and overstates the average sale price of units; and

WHEREAS, under the revised rules the cost of regional contribution agreements, which have been increased to at least \$67,000 per unit with no commensurate funding source, will create a chilling effect upon this statutorily recognized compliance mechanism, which will harm rural, suburban and urban municipalities alike; and

WHEREAS, under the revised rules economic development will be negatively impacted by unreasonable growth share ratios; and

WHEREAS, the concept of growth share may be sound if applied prospectively only and if the growth share ratios are reasonable and sustainable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton in the County of Morris and State of New Jersey as follows:

1. The governing body implores the members of COAH, and COAH staff, to recognize that there is a limit to what municipalities and developers can be called upon to satisfy in terms of an affordable housing obligation.
2. That COAH reconsiders these regulations since, as adopted, they will have a negative impact upon economic development in the Town and in the State as a whole, and will financially over-burden our Town's taxpayers.
3. That a certified copy of this resolution be transmitted to Governor Jon Corzine, Senate President Richard J. Codey, Assembly Speaker Joseph J. Roberts, Jr., DCA Commissioner Joseph Doria, the members of the Morris County Legislative Delegation, the Morris County Board of Chosen Freeholders, and New Jersey State League of Municipalities, the Morris County League of Municipalities and all Morris County municipalities for reference and information purposes.

I, Cynthia A. Oravits, Clerk of the Town of Boonton, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Mayor and Board of Aldermen at a regular meeting of said governing body held on July 21, 2008.

Cynthia A. Oravits, RMC
Town Clerk