

**BOROUGH OF HILLSDALE
RESOLUTION 12135**

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**WHEREAS**, the Governing Body of Hillsdale petitioned the Council on Affordable Housing (COAH) for substantive certification on December 23, 2008; and

**WHEREAS**, the Borough of Hillsdale’s petition to COAH included a Spending Plan for review; and

**WHEREAS**, Hillsdale received approval from COAH on December 10, 2007 of its development fee ordinance; 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

| <b>Council member</b> | <b>Motion</b> | <b>Second</b> | <b>Yes</b> | <b>No</b> | <b>Absent</b> | <b>Abstain</b> |
|-----------------------|---------------|---------------|------------|-----------|---------------|----------------|
| DeRosa, Anthony       |               |               |            |           |               |                |
| Frank, Douglas        |               |               |            |           |               |                |
| Giancarlo, Michael    |               |               |            |           |               |                |
| Hanlon, Marie         |               |               |            |           |               |                |
| Pizzella, Frank       |               |               |            |           |               |                |

Adopted: July 10, 2012

\_\_\_\_\_  
Susan Witkowski  
Municipal Clerk

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Max Arnowitz  
Mayor

**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/or 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; and

**WHEREAS**, Hillsdale has prepared a Revised Spending Plan dated July 9, 2012 containing minor revisions to its previously submitted plan. The Revised Spending Plan is consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.; and

**WHEREAS**, Borough approval of this Resolution certifies that the affordable housing opportunity proposed to the Borough by BCUW/Madeline Partnership addresses COAH and the Department of Community Affairs' criteria set forth in N.J.A.C. 5:97-6. And the Revised Spending Plan dated July 9, 2012 provides information on spending of Affordable Trust Funds for a Rehabilitation Program, Affordability Assistance, and Plan Administration; and

**WHEREAS**, the Borough of Hillsdale will submit an amendment to its Fair Share Plan to include the mechanisms described in the Revised Spending Plan at the earlier of two years after the Council's approval of the Revised Spending Plan or the next planned amendment to the Fair Share Plan resulting from plan evaluation review pursuant to N.J.A.C. 5:96-10.

**NOW THEREFORE BE IT RESOLVED**, that the governing body of the Borough of Hillsdale hereby endorses the Revised Spending Plan dated July 9, 2012 and requests that COAH and/or the Division of Local Planning Services within NJ Department of Community Affairs review the Revised Spending Plan.

**NOW THEREFORE BE IT FURTHER RESOLVED, that** the governing body recognizes that COAH, DCA or another reviewing agency/department may request additional amendments to the Spending Plan. The Borough will revise the Spending Plan accordingly to accommodate future necessary revisions that will assist the Borough in the provision of affordable housing.

**NOW THEREFORE BE IT FURTHER RESOLVED, that** the Borough of Hillsdale shall submit monitoring pursuant to N.J.A.C. 5:96-11 relating to the affordable units created using affordable housing trust funds.

**NOW THEREFORE BE IT FURTHER RESOLVED, that** that the Governing Body of Hillsdale, County of Bergen, in the State of New Jersey hereby requests that DCA's Local Planning Services review and approve Hillsdale's Revised Spending Plan dated July 9, 2012. Accordingly, this Revised Spending plan is therefore to be dispatched to the proper authority immediately.