# RESOLUTION

## AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT IN CONNECTION WITH THE BOROUGH'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATIONS

**WHEREAS,** the Borough of Old Tappan filed a Fourth Round declaratory judgment action on January 28, 2025, Docket No. BER-L-477-25, pursuant to the Amended Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

**WHEREAS,** the Borough adopted and filed its Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") on June 12, 2025; and

**WHEREAS,** Fair Share Housing Center filed a challenge to the Borough's Fourth Round HEFSP on September 2, 2025, pursuant to N.J.S.A. 52:27D-304.1(1)(2)(a); and

**WHEREAS,** the Borough and Fair Share Housing Center negotiated a Settlement Agreement resolving said challenge and establishing mutual obligations consistent with the Borough's Fourth Round HEFSPs; and

**WHEREAS,** the Settlement Agreement requires submission to and approval by the Program and the County Mount Laurel Judge as part of the Borough's Fourth Round declaratory judgment action; and

**WHEREAS,** the Mayor and Borough Council find the Settlement Agreement to be in the best interests of the Borough and necessary to advance compliance with its constitutional and statutory affordable housing obligations.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Old Tappan, County of Bergen, State of New Jersey, as follows:

1. The Mayor is hereby authorized to execute, and the Borough Clerk to attest, the Settlement Agreement between the Borough of Old Tappan and Fair Share Housing Center substantially in the form presented, subject to approval as to form by the Borough Attorney.

2. The Borough Attorney is authorized and directed to submit the executed Settlement Agreement to the Program and the County Mount Laurel Judge for review and approval in the Borough's Fourth Round declaratory judgment action.

3. The Borough Administrator, Borough Engineer, and other appropriate officials are authorized to take all actions reasonably necessary to implement the Settlement Agreement,

4. Nothing herein shall be construed to waive or limit the jurisdiction of the Old Tappan Planning Board under the Municipal Land Use Law or applicable ordinances.

The within Resolution was duly adopted by the Borough Council at a meeting on December 30, 2025

Jean M. Donch, Borough Clerk

| NAME | INTRODUCED | SECOND | AYE | NAY | ABSTAIN | ABSENT |
|---|---|---|---|---|---|---|
| Binaghi | | ✓ | ✓ | | | |
| Boyce | | | ✓ | | | |
| Costello | | | | | | ✓ |
| Gwon | ✓ | | ✓ | | | |
| Marti | | | ✓ | | | |
| Yhu | | | ✓ | | | |