



Borough of Oakland  
Bergen County, New Jersey

**Resolution 21-140**

Endorse Housing Element and Fair Share Plan

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**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 6, 2015, the Borough of Oakland (hereinafter the “Borough”) filed a Declaratory Judgment Complaint in Superior Court of New Jersey, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (“HEFSP”), 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 secured a protective order providing Oakland immunity from all exclusionary zoning lawsuits while it pursues approval of its HEFSP, which is still in full force and effect; and

**WHEREAS**, the Court also appointed Elizabeth McManus, PP, AICP (successor to Elizabeth McKenzie, PP, AICP) as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

**WHEREAS**, with assistance from the Court Master, Oakland and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations, which resulted in the entering into a Settlement Agreement between the Borough and FSHC on August 11, 2020; and

**WHEREAS**, a fairness hearing was held on December 1, 2020, at which time the FSHC Settlement Agreement was approved, and said approval was later memorialized by an Order entered by the Court on December 16, 2020; and

**WHEREAS**, as per the terms of the August 11, 2020 FSHC Settlement Agreement and the Court’s December 16, 2020 Order, the Borough’s planner prepared a HEFSP, which was reviewed by the Planning Board and is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the HEFSP on February 11, 2020; and

**WHEREAS**, the Planning Board adopted the HEFSP on March 11, 2021, a true copy of the resolution of the Planning Board adopting the HEFSP is attached as Exhibit B; and

**WHEREAS**, the Borough Council of Oakland wishes to endorse the HEFSP and seeks approval of the HEFSP from the Court.

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Oakland:

1. That it hereby endorses the HEFSP, which is attached hereto as Exhibit A, as adopted by the Oakland Planning Board via the Planning Board resolution that is attached hereto as Exhibit B.
2. That it authorizes and directs its professionals to file with the Court (i) the HEFSP; (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the HEFSP; and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the HEFSP at a properly noticed compliance hearing.
4. That it reserves the right to amend the HEFSP, should that be necessary.

I hereby certify that this resolution consisting of two pages was adopted at a meeting of the Borough Council of the Borough of Oakland on March 24, 2021.

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LINDA H. SCHWAGER, MAYOR

ATTEST:

\_\_\_\_\_  
LISA M. DUNCAN, BOROUGH CLERK

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Date Adopted

	Motion	Second	Ayes	Nays	Abstain	Absent
Biale						
Kulmala						
Pignatelli						
Slasinski						
Talamini						
Van Eck						
Mayor Schwager						