



Borough of Oakland
Bergen County, New Jersey

Resolution 21-355

Endorsing the Amended Housing Element and Fair Share Plan

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 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

WHEREAS, the HEFSP has been amended, which amended HEFSP 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 amended HEFSP on December 9, 2021 and adopted the amended HEFSP on that same day; and

WHEREAS, the Borough Council of Oakland wishes to endorse the amended HEFSP.

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

1. That it hereby endorses the amended HEFSP, which is attached hereto as Exhibit A, as adopted by the Oakland Planning Board.
2. That it authorizes and directs its professionals to file with the Court (i) the amended HEFSP; (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the amended HEFSP; and (iii) any additional documents the professionals deem necessary or desirable.
3. That it reserves the right to further 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 December 20, 2021.

LINDA H. SCHWAGER, MAYOR

ATTEST:

LISA M. DUNCAN, BOROUGH CLERK

Date Adopted:

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