

# TOWNSHIP OF MARLBORO

## Office Of The Mayor

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Marlboro, New Jersey 07746-2299  
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**Mayor**  
Jonathan L. Hornik

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May 8, 2009

## **PRESS RELEASE**

Dear Resident:

In continuing my efforts to effectuate positive change on our affordable housing laws, on April 30, 2009, myself and the Town Council passed a resolution which asks Governor Corzine and certain legislators to pass Senate Bill 1622 and make it law. Essentially, S1622 provides that **deed restrictions on affordable housing units are not extinguished by foreclosure proceedings. That would in essence ensure that affordable units indeed remain affordable.** Throughout our State, there have been cases where the affordability controls have been terminated because of foreclosure proceedings and in that event, COAH housing is lost. In my opinion, regardless of your viewpoint on our affordable housing laws, that is completely unacceptable. I will continue to fight for better laws and for Marlboro's interests. However, I will also continue to fight to maintain the affordability restrictions for all existing COAH housing stock within our Township. There is no basis, I believe, to oppose the passing of this legislation and I urge our Governor and Legislature to do so.

Very truly yours,  
Mayor Jonathan L. Hornik

RESOLUTION # 2009-176

A RESOLUTION SUPPORTING THE NEW JERSEY SENATE BILL NO. S-1622 AND URGING THE PASSAGE OF SAME BY THE NEW JERSEY LEGISLATURE AND GOVERNOR JON S. CORZINE

WHEREAS, the Honorable Senator Ronald H. Rice on or about May 15, 2008 introduced Senate Bill No. S-1622 concerning affordability controls on Affordable Housing Units ("Affordable Housing Units") under the jurisdiction of the Council on Affordable Housing ("COAH") for adoption by the New Jersey Legislature; and

WHEREAS, Senate Bill No. S-1622 is currently pending before the New Jersey Legislature; and

WHEREAS, Senate Bill No. S-1622 is designed to safeguard the affordability controls for affordable housing units in the event of a foreclosure proceeding and the entrance of a judgment of foreclosure against an Affordable Housing Unit by: (1) prohibiting or greatly reducing a lender's ability to remove affordability controls from Affordable Housing Units; (2) in cases where properties may be removed as Affordable Housing Units, providing for procedures allowing State or municipal governments to keep such properties as Affordable Housing Units; (3) providing that deed restrictions recorded in connection with a property for which a credit against the fair share obligation was granted shall not expire, extinguish or be removed prior to the period of termination for such restriction, as a result of such property's sale through foreclosure proceedings by any creditor; (4) providing that the New Jersey Housing and Mortgage Finance Agency shall adopt or modify its regulations to provide that any housing unit financed in whole or part through the allocation of low-income tax credits by COAH shall have in place affordability controls that may not be extinguished prior to the stated period of termination for such controls, as a result of the sale of any unit through foreclosure proceedings by any creditor; and (5) providing that a thirty (30) day notice of intent to foreclose to be sent to the Clerk of a municipality wherein such affected Affordable Housing Unit is located; and

WHEREAS, throughout the State of New Jersey and the nation, there is economic strife and turmoil resulting in a great number of foreclosure filings, including filings against units designated as Affordable Housing Units under the provisions of COAH; and

WHEREAS, every municipality within the State of New Jersey has a constitutional obligation to provide its fair share of affordable housing; and

WHEREAS, considerable municipal resources are regularly spent to meet each municipality's constitutional obligation to provide affordable housing; and

WHEREAS, the Township Council of the Township of Marlboro finds that, in light of the tremendous resources that the Township of Marlboro has spent and will continue to spend to meet its affordable housing obligations, that an injustice would result if affordability controls pertaining to affordable housing under COAH's jurisdiction were terminated due to a foreclosure proceeding and the entrance of a judgment of foreclosure; and

WHEREAS, the Township Council of the Township of Marlboro finds that it is in the best interest of the residents of the Township of Marlboro, that Senate Bill S-1622 be adopted into law as soon as possible in order to prevent the loss of affordable housing under the jurisdiction of COAH.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro strongly urges the New Jersey State Legislature and Governor Jon S. Corzine to pass and adopt into law, Senate Bill No. S-1622, as soon possible to prevent the loss of affordable housing under the jurisdiction of COAH; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to each of the following:

- A. The Hon. Governor Jon Corzine
- B. The Hon. Senator Ronald J. Rice
- C. The Hon. Senator Jennifer Beck
- D. The Hon. Assemblywoman Caroline Casagrande
- E. The Hon. Assemblyman Declan O'Scanlon
- F. The New Jersey State League of Municipalities
- G. The Clerks of all Monmouth County Municipalities
- H. Mayor Jonathan L. Hornik
- I. Township Business Administrator
- J. DeCotiis, FitzPatrick, Cole & Wisler, LLP

OFFERED BY: MARDER

AYES: 5

SECONDED BY: TRAGNI

NAYS: 0



ALIDA MANCO,  
MUNICIPAL CLERK  
4-30-09



STEVE ROSENTHAL,  
COUNCIL PRESIDENT

CERTIFICATION

I hereby certify the above to be a true and exact copy of a Resolution adopted by the Township Council of the Township of Marlboro at a meeting held on 4-30-2009



Township Clerk