

**RESOLUTION 2024-078**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROVING A SECOND AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT WITH NOUVELLE HOUSING SOLUTIONS, INC.**

**WHEREAS**, on September 1, 2020 , the Township of Chatham (the “Township”) entered into an affordable housing agreement (the “Affordable Housing Agreement”) with Nouvelle Housing Solutions, Inc. (“Nouvelle”) for the development of a total of three (3) group homes for persons with developmental disabilities, two (2) on River Road and one (1) on Hillside Avenue (the “Project”), to fulfill a portion of Township’s Third Round Affordable Housing obligation ending on July 1, 2025; and

**WHEREAS**, the Project is a critical component of the Township’s Affordable Housing Plan; and

**WHEREAS**, on November 12, 2020, the Township Committee adopted Resolution 2020-250 titled a “Resolution of the Township of Chatham, County of Morris, State of New Jersey of Intent to Fund Spending Plan Shortfall” which committed the Township to bond for any shortfall associated with the Project; and

**WHEREAS**, the Affordable Housing Agreement was amended by a First Amendment dated December 9, 2021, to make the reverter clause in Section 3.3 of the Agreement subordinate to the New Jersey Housing and Mortgage Finance Agency (“HMFA”) loan obtained by Nouvelle for the Project; and

**WHEREAS**, as a condition of the HMFA loan obtained by Nouvelle for the Project, the HMFA is requiring changes to the Project which [have created a major subdivision and triggered a major stormwater system], resulting in additional, unanticipated costs that are not attributable to the actions of either party; and

**WHEREAS**, there is a need to further amend the Affordable Housing Agreement to address changes in the Project related to its cost and to set forth in more detail the obligations of the parties; and

**WHEREAS**, the Township desires to approve the Second Amendment to the Affordable Housing Agreement appended hereto as **Attachment A**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey:

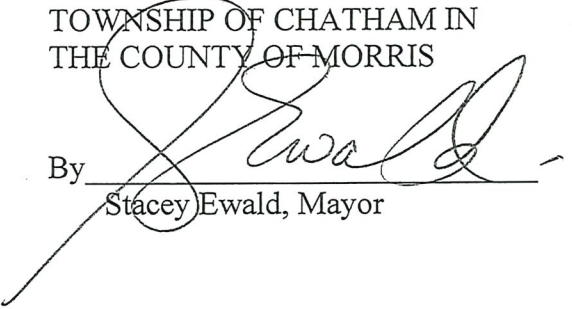
1. The Second Amendment to the Affordable Housing Agreement with Nouvelle Housing Solutions, Inc., appended hereto as **Attachment A**, is hereby approved.
2. Except as stated in Sections 1 and 2 of the Second Amendment to the Agreement, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.
3. The Mayor is hereby authorized and directed to sign the Second Amendment to the Agreement appended hereto as **Attachment A**.
4. The Mayor and Township Clerk are hereby authorized and directed to undertake any and all other acts and to sign or file any and all other documents as may be necessary to effectuate the terms of this Resolution.
5. This Resolution shall take effect immediately.

Adopted: February 27, 2024

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

  
\_\_\_\_\_  
Gregory J. LaConte, Clerk

By   
\_\_\_\_\_  
Stacey Ewald, Mayor