

**TOWNSHIP OF CLINTON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION
2025 – 36**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON
COMMITTING TO COMPLY WITH 4TH ROUND AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (“FHA”) which is codified in N.J.S.A. 52:27D-301 et seq. (hereinafter the “Amended FHA”) which governs the Fourth Round (2025-2035) of affordable housing obligations of all municipalities in New Jersey; and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce non-binding calculations of the fair share present need and prospective need obligations of all municipalities in New Jersey on or before October 20, 2024, and further provides that municipalities shall determine their fair share present need and prospective need obligations in accordance with the formulas established in the Amended FHA by adoption of a resolution which shall describe the basis for the municipality’s determination, and which resolution shall also commit the municipality to adopt a housing plan element and a fair share plan element (“HPFSP”) of the Master Plan based on the determination; and

WHEREAS, the Amended FHA also establishes the Affordable Housing Dispute Resolution Program (the “Program”) within the judiciary for the purposes of resolving disputes associated with complying with the Amended FHA and obtaining a certificate of compliance with the Amended FHA, which is the equivalent of a judgment of compliance and repose for the Fourth Round of affordable housing obligations; and

WHEREAS, the Administrative Director of the Administrative Office of the Courts (“AOC”) has established procedures for the Program’s operation as set forth in AOC Directive #14-24, which requires any municipality which wishes to participate in the Program to file a Declaratory Judgment action in the County in which the municipality is located and attach a copy of a resolution committing to the municipality’s fair share present need and prospective need numbers as calculated by the municipality after considering the DCA’s non-binding calculations of same;

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its non-binding calculations of the fair share obligations for all municipalities; and

WHEREAS, the DCA Report lists in an Appendix at the end of the DCA Report the Fourth Round fair share obligations of Clinton Township (the “Township”) as follows: a present need obligation of zero (0) units and a prospective need obligation for of 174 units; and

WHEREAS, the Township has reviewed the data utilized by DCA in accordance with the formulas set forth in the Amended FHA and concludes that modification of the DCA calculated prospective need number is appropriate based on the latest up to date data, specifically, a modification of the prospective need from 174 to 109, the basis of which is described in the January 17, 2025 memo (including appendices thereto) from Thomas Behrens, PP, AICP to the Township Mayor and Council (the “Planner’s memo”), a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the Amended FHA further provides that all parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the former Council on Affordable Housing (“COAH”) unless those regulations are contradicted by statute, including the Amended FHA or binding court decisions (see N.J.S.A 52:27D-311 (m)); and

WHEREAS, based on the foregoing, the Township determines that: its present need number is zero (0) units in accordance with the DCA calculation as set forth in the DCA report; and its prospective need number is 109, as described in the Planner’s memo (including appendices) attached hereto as **Exhibit A**; and

WHEREAS, based on the foregoing, the Township commits to have adopted a HPFSP in accordance with the Amended FHA, which it will subsequently file with the Court for submission to the Program, and which will may include credits, adjustments, and compliance mechanisms adopted by COAH, and such other adjustments that may be available under the Amended FHA; and

WHEREAS, the Township reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Township also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations of the Township’s fair share affordable housing obligations as determined in the within resolution, the Township reserves the right to take such position as it deems appropriate in response thereto; including that its Fourth-Round prospective need obligation should be lower than determined herein; and

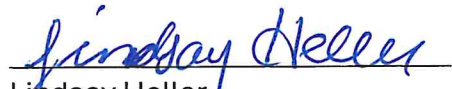
WHEREAS, in light of the above, the Township finds that it is in its best interest to determine its present need and prospective need fair share affordable housing obligations in the within resolution, to declare its commitment to have adopted a HPFSP to implement its fair share obligations subject to the reservations set forth herein, and to authorize and direct its affordable housing counsel to file a declaratory judgment action in accordance with AOC

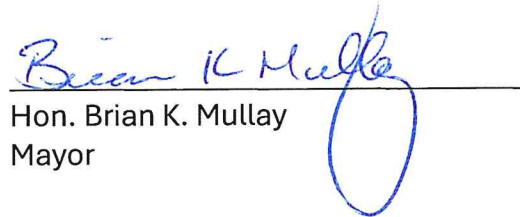
Directive #14-24 to seek a certification of compliance with the Amended FHA and/or a judgment of compliance and repose;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township hereby determines that its Fourth Round present need obligation is zero (0) units and prospective need is 109 units, subject to all reservations of rights set forth above.
3. The Township hereby further commits to have adopted a HPFSP to implement its fair share obligations which it will subsequently file with the Court for submission to the Program and may include credits, adjustments, and compliance mechanisms adopted by COAH, and such other adjustments that may be available under the Amended FHA, subject to all reservation of rights set forth above.
4. The Township hereby directs its affordable housing counsel to file a declaratory judgment complaint in Hunterdon County within 48 hours after adoption the within resolution, attaching the within resolution as an exhibit.
5. The Township authorizes its affordable housing counsel to submit and/or file this resolution with such other entities as may be determined to be appropriate.
6. This resolution shall take effect immediately, according to law.

ATTEST:

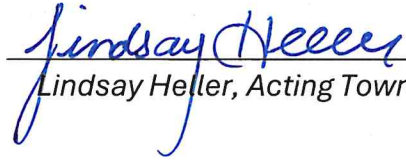

Lindsay Heller
Acting Township Clerk


Hon. Brian K. Mullay
Mayor

ADOPTED: January 22, 2025

CERTIFICATION

I, Lindsay Heller, Acting Clerk of the Township of Clinton, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Mayor and Council of the Township of Clinton at its regular meeting held on January 22, 2025.



Lindsay Heller, Acting Township Clerk