

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

**RESOLUTION  
2026 – 59**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON  
COMMITTING TO ADOPT AN AMENDED FOURTH ROUND HOUSING ELEMENT  
AND FAIR SHARE PLAN (“HEFSP”) AND ANY AMENDMENTS TO THE  
TOWNSHIP’S IMPLEMENTING ORDINANCES AND RESOLUTIONS AS MAY BE  
NEEDED UPON CONCLUSION OF THE COURT’S DISPOSITION OF THE PENDING  
DISPUTES OVER THE TOWNSHIP’S HEFSP**

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

**WHEREAS**, on January 23, 2025, the Township of Clinton (“Township”) timely filed a complaint for declaratory judgment pursuant to N.J.S.A. 52:27D-304.1 seeking a certification of compliance with its Fourth Round obligations (the “DJ Action”); and

**WHEREAS**, on June 30, 2025 the Clinton Township Planning Board adopted, and the Clinton Township Mayor and Council endorsed, Fourth Round Housing Element and Fair Share Plan (“HEFSP”) in accordance with N.J.S.A. 52:27D-304.1(f)(2)(a), which the Township thereafter filed with the Affordable Housing Dispute Resolution Program (the “Program”) established by the Amended FHA; and

**WHEREAS**, the following three interested parties subsequently filed challenges to the HEFSP in accordance with N.J.S.A. 52:27D-304.1(f)(2)(b), alleging that the HEFSP was not in compliance with the Amended FHA: Fair Share Housing Center (“FSHC”), ExxonMobil Research Technology and Engineering Company (“ExxonMobil”), and CNC Ventures, LLC, d/b/a Beaver Brook Country Club (“CNC”); and

**WHEREAS**, the challenges fell into two categories: (1) “look back” challenges to two of the Township’s Third Round inclusionary development projects, and (2) challenges to the Township’s use of the Highlands Council “Build-out” analysis as a basis of a Vacant Land Adjustment; and

**WHEREAS**, the Township disputed the validity of the challenges and, in accordance with Administrative Office of the Courts (“AOC”) Directive #14-24, the Township participated in settlement conferences with the challengers but was unable to settle the disputes; and

**WHEREAS**, the Township and interested parties thereafter participated in a session on December 19, 2025 during which oral argument was heard by the Program Judge on the challenges by the attorneys for the challengers and the attorney for the Township; and

**WHEREAS**, on January 29, 2026, the Program Judge issued his recommendations on the challenges; and

**WHEREAS**, the Program Judge recommended that the challenges to the Township's Third Round affordable housing projects be rejected; and

**WHEREAS**, the Program Judge found that the Township's late filings resulted in a situation that made it unfair for the Program to make a recommendation to the County Mount Laurel Judge with respect to the challenges to the Township's Fourth Round plan, and that there was not a sufficient factual record in order for the complex issues involved to be analyzed and considered; and

**WHEREAS**, accordingly, the Program Judge recommended to the County Mount Laurel Judge that the proceedings be continued in a manner deemed appropriate by the County Mount Laurel Judge to create the necessary record in order to evaluate the competing and seemingly irreconcilable circumstances offered by the parties; and

**WHEREAS**, the Program Judge further recommended that the County Mount Laurel Judge extend the Township's immunity from exclusionary zoning suits pending resolution of the disputes provided the Township continued to participate in good faith, and he also recommended that the Township explore alternatives to its plan in the event that its legal arguments in defense of the HEFSP ultimately proved unsuccessful; and

**WHEREAS**, on February 4, 2026, the County Mount Laurel Judge filed a decision and order finding that the HEFSP was not currently compliant with the Amended FHA and transferring the matter to the Superior Court for further proceedings, and extending immunity from exclusionary zoning suits pursuant to N.J.A.C. 52:27D-304.1(f)(2)(d); and

**WHEREAS**, the February 4, 2026 decision and order direct the Township to: (1) adopt and file its proposed amended HEFSP (as was recommended by the Special Adjudicator appointed by the Program who assisted the Program Judge) and to adopt and file all implementing ordinances and resolutions by March 16, 2026 (which is a Monday as the March 15, 2026 deadline established in N.J.S.A. 52:27D-304.1(f)(2)(c) and (d) is a Sunday) or, in the alternative, (2) adopt and file a binding resolution to commit to adopting the implementing ordinance and resolutions required following resolution of the disputes, with necessary adjustments to reflect the terms of the resolution of the disputes; and

**WHEREAS**, the Township intends to adopt and file by March 16, 2026 its proposed amended HEFSP (as was recommended by the Special Adjudicator appointed by the Program who assisted the Program Judge) and all implementing ordinances and

resolutions but, in addition, the Township wishes to also adopt the within resolution committing to adopt an amended HEFSP and implementing ordinances and resolutions following resolution of the disputes over the HEFSP, with necessary adjustments to the HEFSP, ordinance and resolutions to reflect the terms of the resolution of the disputes;

**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. The preamble to this resolution is hereby incorporated as if fully restated herein.
2. Notwithstanding the Township's intent to adopt and file by March 16, 2026 its proposed amended HEFSP (as was recommended by the Special Adjudicator appointed by the Program who assisted the Program Judge) and all implementing ordinances and resolutions, in the event that the Township misses that deadline, the Township hereby commits to adopt an amended HEFSP and implementing ordinances and resolutions following resolution of the disputes over the HEFSP, with necessary adjustments to the HEFSP, ordinance and resolutions to reflect the terms of the resolution of the disputes.
3. The Township authorizes and directs its affordable housing counsel to submit and/or file this resolution with eCourts in the Township's DJ Action.
4. This resolution shall take effect immediately.

ATTEST:

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Jeffrey J. Jotz, RMC, Acting Clerk

Hon. Brian K. Mullay, Mayor

Adopted:

#### **CERTIFICATION**

I, Jeffrey J. Jotz, Acting Clerk of the Township of Clinton in Hunterdon County, 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

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*Jeffrey J. Jotz, RMC, Acting Township Clerk*