

**A RESOLUTION OF THE TOWNSHIP OF NORTH BRUNSWICK
ADOPTING ITS PRESENT NEED AND PROSPECTIVE NEED FOR THE
FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS PURSUANT TO
P.L. 2024, C.2 AND FAIR HOUSING ACT N.J.S.A. 52:27d-302**

WHEREAS, on March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2) (the “Amended FHA”), which legislation amends the New Jersey Fair Housing Act P.L. 1985, c.222 (N.J.S.A. 52:27D-301, et seq.) and other related housing laws, and requires each municipality to provide its fair share of affordable housing obligation under the Mount Laurel Doctrine based on a new process and updated methodology; and

WHEREAS, pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing (“Fair Share Obligation”) during the 10-year period beginning on July 1, 2025 (the “Fourth Round”); and

WHEREAS, pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality’s determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

WHEREAS, pursuant to the Amended FHA, any challenge to a municipality’s determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the “Program”), explain with particularity how the municipality’s calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3 and include the challenger’s own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, on October 18, 2024, the New Jersey Department of Community Affairs (the “DCA”) published a report with an estimate of the fair share affordable housing obligations of all municipalities, which provided that North Brunswick’s Prospective Need for affordable housing in the Fourth Round would be 239 units, which, pursuant to the Amended FHA, may be taken into consideration by a municipality but shall not be binding on a municipality when calculating a municipality’s respective Fair Share Obligation (the “DCA Report”); and,

WHEREAS, the Township of North Brunswick (the “Township”), with the assistance of its professionals, has determined its Fair Share Obligation for the Fourth Round based upon the methodology set forth in the Amended FHA, which included consideration of the DCA’s calculations and analysis; and

WHEREAS, the Township Council of the Township of North Brunswick (the “Township Council”) has reviewed the findings of the Township’s professionals, which are described in Exhibit A attached hereto, and adopts a Fair Share Obligation for the Fourth Round consisting of a Present Need obligation of 130 units and a Prospective Need obligation of 212 units; and

WHEREAS, in accordance with N.J.S.A. 52:27D-311(m) of the Amended FHA, the Township reserves its right to take a vacant land adjustment, which may result in a reduction to the new construction portion of its Fair Share Obligation; and

WHEREAS, the Township reserves its right to revise its Fair Share Obligation downwards in the event a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Township; and

WHEREAS, the Amended FHA requires municipalities to satisfy various administrative and procedural requirements in connection with the adoption of a municipality's Fair Share Obligation, including but not limited to the publication of this Resolution to the Township's publicly accessible Internet website and the filing of an action with the Program through the Judiciary's electronic filing systems, within forty-eight (48) hours of the adoption of this Resolution; and

WHEREAS, the Township Council directs the Township Clerk to satisfy all required notice and publications requirements, and authorizes the Township and its professionals to take all actions required to file the necessary action with the Program.

NOW THEREFORE BE IT RESOLVED, on this 21st day of January, 2025, by the Township Council of the Township of North Brunswick:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Township of North Brunswick's Fair Share Obligation for the Fourth Round of affordable housing obligations consists of a Present Need obligation of 130 units and a Prospective Need obligation of 212 units.
3. The Township reserves its right to take a vacant land adjustment, which may result in a reduction to the new construction portion of its Fair Share Obligation.
4. The Township reserves its right to revise its Fair Share Obligation in the event that a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Township.
5. The Municipal Clerk be and is hereby directed to forward a copy of this Resolution to the Department of Community Affairs and to publish a copy to the Township's publicly accessible Internet website within forty-eight (48) hours of the adoption of this Resolution.
6. The Township be and is hereby directed to file an action with the Affordable Housing Alternative Dispute Resolution Program regarding this Resolution in compliance with the Amended FHA, and the Mayor and Township Clerk are authorized to execute any and all documents required for said purpose.

7. This Resolution shall take effect immediately.

Michael C. Hritz
Director of Community Development

Justine Progebin
Business Administrator

Ronald H. Gordon, Township Attorney
(Approved as to legal form)

RECORDED VOTE

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
CHEID				
HUTCHINSON				
MEHTA				
DAVIS				
SOCIO				
GUADAGNINO				
MAYOR WOMACK				

CERTIFICATION

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on January 21, 2025.

Lisa Russo, Township Clerk