

**APPROVING SETTLEMENT OF FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND
PROSPECTIVE NEED NUMBERS**

RESOLUTION 25-79

WHEREAS, Pursuant to the New Jersey Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301, et. seq.) (the “FHA”). municipalities are required to determine the Present Need obligation and Prospective Need obligation 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”) particularly in accordance with the provisions of N.J.S.A. 52:27D-304.1, and if determined by the adoption of a resolution within the times set forth in the FHA, the compliant municipality shall be immune from exclusionary zoning litigation, sometimes commonly referred to as “builders remedy”.; and

WHEREAS, On January 29, 2025, Upper Deerfield Township adopted Resolution 2025-01–29 determining the Township’s Fair Share Obligation for the Fourth Round to be a Present Need obligation of nineteen (19) units and a Prospective Need obligation of Seventy-Five (75) based upon the findings and recommendations of its professionals, Clarke, Caton Hintz.; and

WHEREAS, Pursuant to the provisions of the FHA and the AOC Administrative Directive #14-24, on January 30, 2025 the Township caused to be timely filed a Declaratory Judgment Action seeking court approval of the Present Need and Prospective Need obligations as set forth in Resolution 2025-66; and

WHEREAS, Pursuant to the FHA and Administrative Directive # 14-24 on February 26, 2025, New Jersey Builders Association (“NJBA”) filed a challenge to the Township’s determination of its Present Need and Prospective need obligations; and

WHEREAS, Pursuant to the FHA and Administrative Directive # 14-24, on February 28, 2025, Fair Share Housing Center (“FSHC”) filed a challenge to the Township’s determination of its Present Need and Prospective need obligations; and

WHEREAS, the challenges filed by NJBA and FSHC sought to compel the Township to accept the estimated Present Need obligation of 31 units and Prospective need obligations of 118 units as calculated by the New Jersey Department of Community Affairs (“DCA”) pursuant to the FHA; and

WHEREAS, Upon the filing of the challenges by NJBA and FSHC, the matter was referred to the Affordable Housing Dispute Resolution Program (“Program”) pursuant to the FHA and Directive #14-24; and

WHEREAS, Pursuant to the Program a Settlement Conference was held on March 13, 2025; and

WHEREAS, as a result of the Settlement Conference and subsequent discussions between the parties, it was proposed that the determination of the Township’s Present and Prospective Needs be settled at a Present Need obligation of 31 units and a Prospective Need obligation of 95 units; and

WHEREAS, Township Committee is desirous of accepting the proposed Present and Prospective Need obligations in settlement of the dispute between the parties.

NOW, THEREFORE, BE IT RESOLVED on this 20th day of March, 2025 by the Township Committee of the Township of Upper Deerfield as follows:

1. The settlement of the disputed Present and Prospective Need obligations is approved and the Township accepts its Present Need obligation to be 31 units and its Prospective Need obligation to be 95 units.

2. The Township's acceptance of the settlement is conditioned upon acceptance by NJBA and FSHC as full and final settlement of any and all claims arising out of the process to determine the Present and Prospective Need obligations of the Township and the agreement of NJBA and FSHC to discontinue its challenges in the pending Declaratory Judgment Action and to be bound to not assert and releases any further claim or objection as the Present and Prospective Need obligations of the Township whether within the pending Declaratory Judgment Action, by any appeals within that action or by separate action.

3. The Township's acceptance of the Settlement is further conditioned upon the execution of documentation to fully and finally conclude the issue of the Township's Present and Prospective Need obligations in form and substance satisfactory to Rocco J. Tedesco, Township Solicitor.

Moved By: William Whelan

Seconded By: Joseph Spoltore

VOTING

James P. Crilley
John L. Daddario
Thomas Speranza
Joseph Spoltore
William Whelan

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held March 20, 2025.

Roy J. Spoltore, Township Clerk