

**TOWNSHIP OF UPPER DEERFIELD**

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

**RESOLUTION 25-85**

**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 25-58 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, Clark, Caton and 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 25-58; 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 Township Committee approved the settlement by resolution 25-79 adopted March 20, 2025; and

**WHEREAS**, Resolution 25-79 was conditioned upon the execution of documentation memorializing the settlement in form and substance satisfactory to the Township Solicitor; and

**WHEREAS**, Township Solicitor has approved the form of Settlement Agreement appended hereto and requests Township Committee’s authorization to execute the Settlement Agreement.

**NOW, THEREFORE, BE IT RESOLVED** on this 3rd day of April, 2025 by the Township Committee of the Township of Upper Deerfield as follows:

1. The form of Settlement Agreement appended hereto be and the same is hereby approved and Township Solicitor, Rocco J. Tedesco, be and the same is hereby authorized to sign the agreement on behalf of Upper Deerfield Township.

Moved By: James P. Crilley

Seconded By: William Whelan

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 Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held April 3, 2025.

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Roy J. Spoltore, Township Clerk