

Township of Robbinsville
County of Mercer

Resolution 2025-060

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING
PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, P.L. 2024, c.2, was signed into law which amended the Fair Housing Act at N.J.S.A. 52:27D-301 *et seq.*, (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimates of the obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township of Robbinsville's Fourth Round - (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of forty (40) and a Prospective Need or New Construction Obligation of three hundred thirty six (336); and

WHEREAS, the Amended FHA provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations and the Amended FHA authorize a 20% cap, vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Township of Robbinsville accepts the DCA calculations of the Township's fair share obligations and commits to its fair share of forty (40) units present need and three hundred thirty-six (336) units prospective need subject to any credits, vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

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

WHEREAS, in the event that the FHA is further amended or any rulings or legal precedents arise after the adoption of this Resolution, the Township of Robbinsville reserves the right to adjust its position in response to and in light of same, particularly if such a change alters the deadlines and/or requirements placed upon the Township pursuant to the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Robbinsville reserves the right to take such position as it deems appropriate in response thereto; and

WHEREAS, in light of the above, the Township Council of the Township of Robbinsville finds that it is in the best interest of the Township of Robbinsville to declare its commitment to the obligations reported by the DCA on October 18, 2024, subject to the reservations set forth herein; and

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WHEREAS, in addition to the above, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024; and

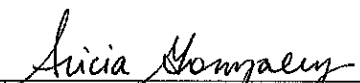
WHEREAS, pursuant to Directive #14-24, "a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint ... in the county in which the municipality is located ... within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, the Township of Robbinsville seeks a certification of compliance with the Amended FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory judgment complaint and associated pleadings within 48 hours of the adoption of this Resolution in the Superior Court of New Jersey - Mercer County;

NOW, THEREFORE, BE IT RESOLVED, on this 30th day of January, 2025, by the Township Council of the Township of Robbinsville, County of Mercer, 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 of Robbinsville hereby commits to the DCA Fourth Round Present Need Obligation of forty (40) units and the Fourth Round Prospective Need Obligation of three hundred thirty six (336) units described in this Resolution, subject to all reservations of rights set forth above.
3. The Township of Robbinsville hereby authorizes and directs its Affordable Housing Counsel to file a declaratory judgment complaint in the Superior Court of New Jersey - Mercer County within 48 hours after adoption of this Resolution.
4. In accordance with the Amended FHA and Directive #14-24, the Township of Robbinsville authorizes its Affordable Housing Counsel to attach a copy of this Resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this Resolution with the Program or any other such entity as may be determined to be appropriate.
5. The Township of Robbinsville hereby directs its Township Administrator and/or Municipal Clerk to publish this Resolution on the Township's website within 48 hours after adoption of this Resolution, attaching this Resolution.
6. The Township of Robbinsville's Mayor, Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all such other documents and undertake any and all such further acts as may be necessary or required to effectuate the actions set forth herein.
7. This Resolution shall take effect immediately, according to law.

I certify this to be a true copy of a Resolution adopted by the Township Council of the Township of Robbinsville at a meeting held on January 30, 2025.


Alicia Gonzalez, Deputy Municipal Clerk