

RESOLUTION NO. 2025-

**RESOLUTION OF THE PLANNING/ZONING BOARD, IN ITS CAPACITY AS A
PLANNING BOARD, OF THE CITY OF BORDENTOWN, IN THE COUNTY OF
BURLINGTON, APPROVING AND ADOPTING A HOUSING ELEMENT AND FAIR
SHARE PLAN TO SATISFY THE CITY’S FOURTH ROUND AFFORDABLE
HOUSING OBLIGATION**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (“Amended FHA”); and

WHEREAS, on January 17, 2025, the City adopted a “binding resolution” as required by the Amended FHA, accepting the DCA-calculated Present Need and Prospective Need obligation, establishing its Fourth Round Present Need of zero (0) units and Prospective Need of twenty-eight (28) units; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24 (“Directive 14-24”), the City filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“Program”), along with its binding resolution, on January 22, 2025; and

WHEREAS, the filing of the DJ Complaint gave the City automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, the City did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the City’s Fourth Round obligations on March 1, 2025; and

WHEREAS, on April 8, 2025, the court prepared an order fixing the City’s obligation and authorizing the City to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round (“Court Order”); and

WHEREAS, pursuant to the Amended FHA and Directive #14-24, the municipality must adopt a housing element and fair share plan as provided for by the “Fair Housing Act,” P.L. 1985, c. 222 by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, Directive 14-24 and the Court Order, Charles Latini, P.P., A.I.C.P, the Township’s Affordable Housing Planner (“Planner”) drafted a Fourth Round Housing Element and Fair Share Plan (“Fourth Round HEFSP”); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the City of Bordentown Planning/Zoning Board, in its capacity as a Planning Board (“Board”), may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

WHEREAS, upon notice in accordance with N.J.S.A. 40:55D-13, the Board held a public hearing on June , 2025, on the adoption of the Fourth Round HEFSP as required by the Municipal Land Use Law. Said hearing was attended by the Planner, who was duly sworn, and provided testimony regarding the Fourth Round HEFSP; and

WHEREAS, the hearing was opened to the public and no members of the public provided any testimony on the Fourth Round HEFSP; and

WHEREAS, the Board determined that the Fourth Round HEFSP is consistent with the goals and objectives of the City’s current Master Plan, and that adoption and implementation of the Fourth Round HEFSP is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board, in its capacity as a Planning Board, of the City of Bordentown, County of Burlington, State of New Jersey, that the Planning/Zoning Board hereby adopts the Fourth Round HEFSP, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Planning/Zoning Board of the City of Bordentown adopts this resolution to memorialize the action taken by the Board following the close of the public hearing on June , 2025.

BE IT FURTHER RESOLVED that the Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the governing body together with this Board's request that the governing body endorse the adopted Fourth Round HEFSP.

ROLL CALL VOTE ON MOTION TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN AFTER FINDING THAT IT IS CONSISTENT WITH THE MASTER PLAN.

(June , 2025)

Moved By:

Seconded By:

Those in Favor:

Those Opposed:

Those Absent or Recused:

Cecelia Haney
Chairperson

I hereby certify this to be a true and accurate copy of the resolution adopted by the Planning/Zoning Board of the City of Bordentown, Burlington County, New Jersey at a public meeting held on June , 2025.

Jennifer M. Smith, Secretary
Bordentown City Planning/Zoning Board
4912-2202-6321, v. 1