

## **TOWNSHIP OF BURLINGTON**

### **RESOLUTION**

2025-R-143

**ENDORISING THE FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN; ADOPTING THE SPENDING PLAN FOR EXPENDITURE OF MONIES IN THE AFFORDABLE HOUSING TRUST FUND; EXPRESSING THE COMMITMENT TO FUND ANY SHORTFALL IN THE COSTS TO PROVIDE AFFORDABLE HOUSING IN ACCORDANCE WITH ITS FOURTH ROUND AFFORDABLE HOUSING OBLIGATION, INCLUDING BY BONDING IF NECESSARY, AND DIRECTING SPECIAL COUNSEL TO TAKE ALL ACTIONS NECESSARY TO SECURE A "COMPLIANCE CERTIFICATION"**

**WHEREAS**, on January 21, 2025, the Township Council adopted Resolution 2025-R-022 asserting that the Fair Housing Act P.L. 2024, c. 2 (hereinafter "FHA II") supports a Round 4 prospective need number of 201 rather than the 308 proposed by the New Jersey Department of Community Affairs ("DCA") as reported in its October 18, 2024 Report; and

**WHEREAS**, on January 22, 2025, in accordance with FHA II, the Township filed a Complaint for Declaratory Judgment captioned In the Matter of Burlington Township, Superior Court of New Jersey, Burlington County, Civil Part, Burlington County, Docket No.: BUR-L- 164-25 ("Complaint") seeking a compliance certification as defined by FHA II and immunity while seeking said certification; and

**WHEREAS**, in February 2025, Fair Share Housing Center, Inc. filed an Answer and opposition to the round 4 prospective need number asserted by the Township in Resolution 2025-R-022; and

**WHEREAS**, in March 2025, the Honorable Thomas Brogan, P.J.Cv. (Ret.), the retired judge from the Affordable Housing Dispute Resolution Program ("Program"), conducted mediation between the Township and FSHC over the Township's Round 4 Prospective Need number with the assistance of Special Adjudicator Art Bernard, PP; and

**WHEREAS**, mediation culminated in an agreement that the Township's Round 4 Prospective Need was 235; and

**WHEREAS**, on April 8, 2025, the Township Council adopted Resolution 2025-R-094 accepting the Fourth Round prospective need obligation at 235 and authorizing Special Counsel to take all necessary actions to conclude the proposed settlement; and

**WHEREAS**, on April 17, 2025, Judge Terrence R. Cook, A.J.S.C., Designated Mt. Laurel Judge – Burlington Vicinage, entered an Order fixing the Township's present need at 132 units and its prospective need at 235 units, and paragraphs 3 and 4 of the Order provided:

3. That the [Township] is hereby authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the "present need" and "prospective need" allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24) by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and

4. That any and all "challenges" to the [Township's] Housing Element and Fair Share Plan as adopted by Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this matter, and as provided for and in accordance with Section III.B of AOC Directive #14-24; and

**WHEREAS**, Kendra Lelie, PP, AICP, LLA, upon consultation with the Township Administrator, Township Engineer, Municipal Housing Liaison, Chief Financial Officer, Special Affordable Housing Counsel and Township Attorney, prepared the "Fourth Round Housing Element and Fair Share Plan," ("HEFSP") which on June 2, 2025, was placed on the Township website; and

**WHEREAS**, in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., notice of the public hearing to be held by the Burlington Township Planning Board on June 12, 2025 was given; and

**WHEREAS**, to comport with the provisions of FHA II the members of the Burlington Township Planning Board, following the public hearing on June 12, 2025, approved Resolution 2025-06 adopting the HEFSP; and

**WHEREAS**, the Township Council has reviewed the provisions of the HEFSP, that includes as a critical component the acquisition of Block 105, Lot

5, which should make it possible for the Township to satisfy its Fourth Round prospective need obligation by a 100% municipally sponsored affordable housing project, and to further this purpose the Township Council on June 9, 2025 adopted Resolution 2025-R-133 authorizing the Township Attorney to prepare a contract for sale with the owner of Block 105, Lot 5, with an agreed upon purchase price of one million seven hundred thousand dollars; and

**WHEREAS,** in compliance with the requirements of FHA II, the Township Council wishes to endorse the HEFSP.

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Council as follows:

1. The HEFSP is hereby endorsed as fulfilling the Township's present and prospective Fourth Round affordable housing obligations.
2. The Spending Plan component of the HEFSP is adopted for the purpose of enabling the Township to fund its Fourth Round affordable housing obligations from monies in its Affordable Housing Trust Fund.
3. As the acquisition of Block 105, Lot 5, is a critical component for Fourth Round compliance the Township commits to fund any shortfall in costs that may result from the developer's pursuit of funding from non-municipal sources, including by bonding if necessary, to satisfy its Fourth Round obligation.
4. Special Affordable Housing Counsel is hereby authorized to take all actions necessary to secure a compliance certification for Burlington Township.


**DATE:** June 24, 2025

**TOWNSHIP OF BURLINGTON**

  
Joyce R. Paul

President Pro Tem

**ATTEST:**

  
Mary E. Field, RMC  
Municipal Clerk