

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 26-81

**APPROVING THE ADOPTION OF THE FOURTH
ROUND AMENDED SPENDING PLAN**

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

WHEREAS, the amended Fair Housing Act established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan (“HEFSP”) and secure immunity from builders’ remedy lawsuit while developing and seeking approval of a Plan; and

WHEREAS, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025, committing to a fair share number, filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025, with the Affordable Housing Dispute Resolution Program (the “Program”) also within 48 hours of adoption of the Plan; and

WHEREAS, following several challenges to the HEFSP and settlement with one challenger, Fair Share Housing Center authorized by Resolution 25-85 on April 3, 2025, which settlement was incorporated into said document; and

WHEREAS, the Planning Board adopted a Fourth Round HEFSP, including a Spending Plan on June 9, 2025, that addressed the Township’s Fourth Round affordable housing obligations; and

WHEREAS, the Township Committee endorsed the adopted Fourth Round HEFSP by resolution on June 19, 2025, which was timely filed with the Affordable Housing Dispute Program; and

WHEREAS, through the Affordable Housing Dispute Resolution Process and negotiations with Fair Share Housing Center, a revised Spending Plan became necessary to fulfill the requirements of the Fourth Round obligations of Upper Deerfield; and

WHEREAS, the 2025 Fourth Round Housing Element and Fair Share Plan includes a Fourth Round Spending Plan component, pursuant to N.J.S.A. 52:27D-329.2 and the Affordable Housing Alternate Dispute Resolution Program Directive #14-24, which projects anticipated revenues to the Township's Affordable Housing Trust Fund, and describes estimated expenditures of funds to address its fair share obligation as set forth in the Fair Share Plan and which specifically establishes that the expenditure of funds contemplated in the Amended Fourth Round Spending Plan, dated February 23, 2026, constitute a 'commitment' for expenditure pursuant to N.J.S.A. 52:27D-329.2.d., within the four-year time period beginning to run with the date of collection of the funds as extended by virtue of the date of the Superior Court's approval of this Fourth Round Spending Plan; and

WHEREAS, an additional challenger emerged at the end of the challenge period, but the Affordable Housing Dispute Resolution Program recommended dismissal of its claim and approval of the HEFSP with an Amended Spending Plan and revised zoning regulations in its Program Decision Recommendation – Housing Element and Fair Share Plan issued on February 4, 2026; and

WHEREAS, the Hon. Robert Malestein, P.J.Ch., on March 2, 2026, indicated in a court hearing the acceptance of the Program Decision Recommendation; and

WHEREAS, the Township Committee now wishes to adopt the Amended Spending Plan and seek approval by the Court as necessary.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper Deerfield, County of Cumberland, State of New Jersey, as follows:

1. The Township Committee hereby adopts the Amended Spending Plan as part of the Fair Share Plan of the Township of Upper Deerfield and attached hereto.
2. The Township Committee hereby directs the Township Solicitor, along with any additional documents the Affordable Housing Consultant deems necessary or desirable, to file in Superior Court for formal approval of the Spending Plan as necessary.
3. The Township reserves the right to further amend the Spending Plan, should that become necessary.

Moved By: Anthony Lamanteer

Seconded By: William Whelan

VOTING

James P. Crilley
Anthony Lamanteer
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 5, 2026.



Roy J. Spoltore, Township Clerk