

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF MANTUA,  
DOCKET NO. GLO-L-227-25

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2. into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act (the "Amended Act"); and

**WHEREAS**, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and Present Need for the Fourth Round in accordance with the formula required by the Amended Act; and

**WHEREAS**, the DCA released its report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024; and

**WHEREAS**, the DCA report concluded that the Township of Mantua (the "Township") has fair share obligations for the Fourth Round, including a Present Need of twenty-one (21) units and a Prospective Need of one hundred and thirty-nine (139) units; and

**WHEREAS**, the Township having filed a Declaratory Judgment Action, along with a resolution adopted by the Township Committee on January 28, 2025, requesting to participate in the Affordable Housing Dispute Resolution Program (the "Program"), in accordance with the requirements of N.J.S.A. 52:27D-301, et seq., and the timeframes set forth in the Administrative Office of the Court's Directive #14-24 (the "Directive"); and

**WHEREAS**, the Township's resolution proposed to set the Township's affordable housing obligations for the Fourth Round to include a Present Need of twenty-one (21) units and a Prospective Need of one hundred and thirty-one (131) units; and

**WHEREAS**, in accordance with the timeframes set forth in the Amended Act and the Directive, New Jersey Builders Association (“NJBA”) filed a timely objection to the Township’s resolution; and

**WHEREAS**, NJBA’s objection contended that the Township had improperly calculated its Prospective Need obligations and requested that the Program find that the Township’s Prospective Need obligation be set at the DCA’s estimated number of one hundred and thirty-nine (139) units; and

**WHEREAS**, the Township disputes the contentions raised in NJBA’s objection; and

**WHEREAS**, within the Program established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program, and conferred and reached an accord setting forth the Township’s Fourth Round Prospective Need obligations, without either party admitting the validity of the others’ claims; and

**WHEREAS**, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that one hundred and thirty-four (134) units is within the range of possibilities of outcomes for the Township’s Fourth Round Prospective Need; and

**WHEREAS**, resolving the Fourth Round Prospective Need at this juncture and allowing the Township to move forward with preparing its Fourth Round Housing Element and Fair Share Plan (“HEFSP”) is important to the interests of lower-income households; and

**WHEREAS**, the Township adopted Resolution R-71-2025 on May 12, 2025 authorizing the execution of this agreement; and

**WHEREAS**, the Township and NJBA agree to present this Mediation Agreement to the Program and consent to the Mediation Agreement, upon the approval by the Program, setting forth

the Township's Fourth Round obligations and binding the Township to these obligations and foreclosing NJBA from further challenge to said obligations.

THEREFORE, the Township and NJBA agree:

1. The Township's Fourth Round fair share obligations shall be set forth as follows:
  - Present Need – 21 units
  - Prospective Need – 134 units
2. A Fourth Round fair share obligation of 134 units is within the range of possible outcomes were the court to fully-adjudicate the Township's Prospective Need.
3. A Fourth Round fair share obligation of 134 units is fair to the interests of lower-income households.
4. The Township and NJBA will jointly present this Mediation Agreement to the Program and request approval of this Agreement from the Program and if approved by the Program, from the vicinage Mount Laurel judge. If the Program, trial court, or any appellate court reject approval of this Agreement, the Parties reserve their right to return to the *status quo ante*.
5. The Township shall prepare a Fourth Round HEFSP utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended Act of June 30, 2025 or another date approved by the Program. NJBA reserves all rights as to its review of the HEFSP pursuant to the Amended Act. However, nothing in this agreement precludes the Township from conducting a windshield survey relating to the calculation of present need.
6. NJBA agrees that it is foreclosed from further challenge to said obligations.

The undersigned, on behalf of the Township, is authorized to execute this agreement via the Township Committee resolution adopted on May 12, 2025. The undersigned on behalf of the NJBA consents to this Mediation Agreement and represents that he is authorized to execute it on the NJBA's behalf. This Mediation Agreement shall not be further modified, amended or altered in any way except in writing signed by the Township and NJBA.

Witness/Attest:

**Township of Mantua**



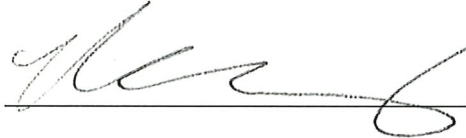
By:  Mayor

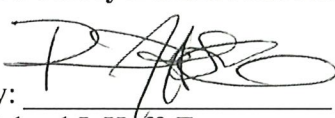
Dated: 6/25/25

Dated: 06/25/2025

Witness/Attest:

**New Jersey Builders Association**



By:   
 Richard J. Hoff, Esq.  
 Counsel for New Jersey Builders Association

Dated:

Dated: