

**FRANKLIN TOWNSHIP
RESOLUTION NO. 2025-39**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY ENDORSING
THE FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED
BY THE LAND USE BOARD OF THE TOWNSHIP OF FRANKLIN**

WHEREAS, the Township of Franklin (hereinafter referred to as the “Township”) has demonstrated a history of voluntary compliance as evidenced by its Third Round Housing Element and Fair Share Plan Record; and,

WHEREAS, pursuant to In Re. Adoption of N.J.A.C. 5:95 and 5:97, 221 N.J. 1 (2015), Mount Laurel IV, on July 8, 2015, the Township of Franklin filed a Declaratory Judgment Complaint in the Superior Court, Law Division, seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan satisfied its fair share of the regional need for low- and moderate- income housing pursuant to the Mount Laurel doctrine; and,

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and Final Judgment of Compliance and Repose, entered on March 13, 2019, which precluded all Mount Laurel lawsuits, including Builder’s Remedy lawsuits, until July 1, 2025; and,

WHEREAS, the Township continues to actively implement the Court-approved Third Round Housing Element and Fair Share Plan; and,

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2004, c.2 which amended the 1985 New Jersey Fair Share Housing Act (N.J.S.A. 52:27D-301, et seq.) (hereinafter the “Amended FHA”); and,

WHEREAS, the Amended Fair Housing Act required the Department of Community Affairs (DCA) to conduct a calculation of regional need and municipal present and prospective obligations in accordance with the formula set forth in the Amended Fair Housing Act; and

WHEREAS, the DCA determined Franklin Township's present need obligation as zero (0) and prospective need obligation as 52; and

WHEREAS, the Township adopted a binding Resolution accepting the DCA calculated present need and prospective need as required by the Amended FHA on January 28, 2025, establishing its Fourth-Round present need obligation of zero (0) and its prospective need obligation of 52; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Courts, Directive #14-24, the Township filed a timely Fourth Round Declaratory Judgment Complaint (DJ Complaint) with the Affordable Housing Dispute Resolution Program (the "Program") along with its binding Resolution on January 29, 2025; and,

WHEREAS, the filing of the DJ Complaint gave the Township automatic, continued immunity from all inclusionary lawsuits, including Builder's Remedy Lawsuits, which is still in full force and effect; and,

WHEREAS, the Township did not receive any objections to its present and prospective need numbers by February 28, 2025, resulting in a presumption of validity of the municipalities determination of its obligations as of March 1, 2025; and,

WHEREAS, on March 27, 2025, the Court entered an Order establishing the Township's Fourth Round Present Need as zero (0) and Prospective Need as 52, entered by Judge Mennen; and,

WHEREAS, now that the Township has had its Fourth Round Obligation established, the Amended FHA requires the municipality to adopt a Fourth Round Housing and Fair Share Plan by June 30, 2025; and,

WHEREAS, in accordance with the Amended FHA, the Township's Affordable Housing Planner, Darlene A. Green of Colliers Engineering and Design, drafted the Fourth Round Housing Element and Fair Share Plan; and,

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 12, 2025; and,

WHEREAS, after having listened to the testimony of its Planner and having taken into account the comments of the public, the Land Use Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's current Master Plan and that the adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects the public health and safety, and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Franklin, County of Hunterdon, State of New Jersey, hereby endorses the Fourth Round Housing Element and Fair Share Housing Plan, as adopted by the Land Use Board of the Township of Franklin, which resolution of adoption is attached hereto as Exhibit A.



Sebastian Donaruma, Mayor
Township of Franklin

CERTIFICATION

I, Christine J. Burke, Municipal Clerk of the Township of Franklin, County of Hunterdon, do hereby certify this to be a true copy of a resolution adopted by the Township Committee at a meeting held on June 12, 2025.



Christine Burke, RMC
Municipal Clerk