

**RESOLUTION R2025-085
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Department of Community Affairs released its report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024, in which it determined the Township's Present Need obligation to be 166 units and its Fourth Round Prospective Need obligation to be 368 units;

WHEREAS, by Resolution R2025-029, adopted on January 28, 2025, the Township Council authorized the Township's participation 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 Directive #14-24; and

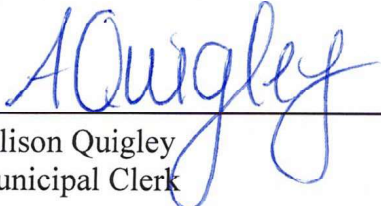
WHEREAS, the Township and Fair Share Housing Center ("FSHC") engaged in the mediation process provided by the Program and conferred and reached an accord reducing the Township's Fourth Round Prospective Need obligations from 368 units to 338 units; and

WHEREAS, it is in the best interests of the Township that the mediation agreement with FSHC be approved;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, as follows:

1. The attached Mediation Agreement between the Township and FSHC In the Matter of the Application of the Township of East Windsor before the Affordable Housing Dispute Resolution Program, Docket No. MER-L-236-25, is hereby approved.
2. The Township Attorney is hereby authorized to execute the attached Mediation Agreement and is directed to submit a certified copy of this Resolution to the Program and to FSHC.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 22, 2025.



Allison Quigley
Municipal Clerk

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF EAST WINDSOR,
DOCKET NO. MER-L-236-25

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");

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 the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act;

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

WHEREAS, the DCA report provided a non-binding number for guidance for East Windsor Township's ("East Windsor" or the "Township") fair share obligations for the Fourth Round of a Present Need of 166 units and a Prospective Need of 368 units;

WHEREAS, the Township having filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 30, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, et seq, and the timeframes set forth in Directive #14-24;

WHEREAS, the Township's resolution proposed to set East Windsor's affordable housing obligations for the Fourth Round to include a Present Need of 166 units and a

Prospective Need of 308 units and reserved rights for further adjustment and/or reduction of its Prospective Need number as set forth in the resolution;

WHEREAS, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to East Windsor's resolution on February 28, 2025;

WHEREAS, FSHC's objection contended that East Windsor had improperly calculated its Prospective Need obligations;

WHEREAS, East Windsor disputes the contentions raised in FSHC's objection;

WHEREAS, within the Affordable Housing Dispute Resolution Program ("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 East Windsor's Fourth Round Prospective Need obligations, without either party admitting the validity of the others' claims;

WHEREAS, recognizing that this agreement is reached prior to the adjudication in this matter of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 338 units is within the range of possibilities of outcomes for East Windsor's Fourth Round Prospective Need;

WHEREAS, resolving the Fourth Round Prospective Need at this juncture and allowing East Windsor to move forward with preparing its Fourth Round HEFSP is important to the interests of lower-income households; and

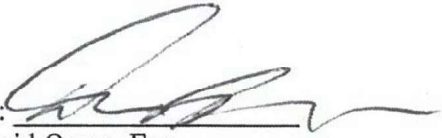
WHEREAS, the Township and FSHC thus agree to present this mediation agreement to the Program and consent to the Mediation Agreement, upon the approval by the Program, setting forth East Windsor's Fourth Round obligations and binding the Township to utilize these

obligations and foreclosing FSHC from further challenge to said obligations, subject to certain conditions as set forth below.


THEREFORE, the Township and FSHC agree:

1. East Windsor's Fourth Round fair share obligations shall be set forth as follows:
 - Present Need – 166 units
 - Prospective Need – 338 units
2. A Fourth Round Fair Share Obligation of 338 units is within the range possible outcomes were the court to fully-adjudicate the Township's Prospective Need.
3. A Fourth Round Fair Share Obligation of 338 units is fair to the interests of lower-income households.
4. The Township and FSHC 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 either as a result of any further challenges or proceedings or independently, the Parties reserve their right to return to the *status quo ante*, including the Township's reservation of rights as set forth in the Township resolution.
5. The Township shall prepare a Fourth Round Housing Element and Fair Share Plan ("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. FSHC reserves all rights as to its review of the HEFSP pursuant to the Amended Act.

The undersigned, on behalf of their respective clients have consented to this Mediation Agreement and represent that they are authorized to execute it on their behalf. This Mediation Agreement shall not be further modified, amended or altered in any way except by a writing signed by both the Township and FSHC.

By: 
David Orron, Esq.
Counsel for the Township of East Windsor

Dated: 4/2/2025

By: 
Adam M. Gordon, Esq.
Counsel for Fair Share Housing Center

Dated: March 30, 2025