

THE TOWNSHIP OF EWING
Municipal Complex
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A RESOLUTION APPROVING AND ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN TO SATISFY THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

Resolution #25R-190 WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended the 1985 New Jersey Fair Housing Act ("Amended FHA"); and

WHEREAS, on January 28 2025 the Township of Ewing (the "Township") adopted a binding resolution committing to a Present Need obligation of 99 units and a Prospective Need obligation of 231 units based on the Township's Affordable Housing Planner's ("Planner") calculations using the methodology in the Amended FHA; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Township timely filed a Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program on January 30 2025 along with its binding resolution; and

WHEREAS, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect;; and

WHEREAS, the New Jersey Builder's Association ("NJBA") timely filed a challenge to the Declaratory Judgment Action ("DJ Action") and the Honorable Mary C. Jacobson, A.J.S.C. (Ret.) was assigned to manage the proceedings, host settlement conference, and make recommendation to the Honorable Robert Lougy, A.J.S.C., the Mount Laurel Judge of the Mercer Vicinage; and

WHEREAS, after a settlement conference and session on March 26 2025 with the Township and NJBA, Judge Jacobson made a recommendation based on the expert report of special adjudicator Jennifer C. Beahm, P.P., A.I.C.P.; and

WHEREAS, On April 22, 2025 Judge Lougy prepared an order accepting Judge Jacobson's recommendation and rejecting the challenge of NJBA; and

WHEREAS, the order fixed the Township's obligation at 99 units for the Present Need obligation and 231 units for the Prospective Need obligation, and authorized the Township to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round ("Court Order"); and

WHEREAS, per the Amended FHA, Directive 14-24 and the Court Order, the Planner drafted a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP"); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Township of Ewing Planning Board (the "Board") may Prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

WHEREAS, the Board held a public hearing on June 12, 2025 on the adoption of the Fourth Round HEFSP, no members of the public attended the hearing, and the Board determined the Fourth Round HEFSP Is consistent with the goals and objective of the township's current master plan; and

WHEREAS, pursuant to Resolution No. 2025-061225, the Board adopted the Fourth Round HEFSP.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ewing, Mercer County, New Jersey, that:

1. The Township Council hereby endorses and approves the Fourth Round Housing Element and Fair Share Plan, attached hereto as Exhibit A, and agrees to implement said Fourth Round Housing Element and Fair Share Plan and updating other Township Ordinances and Redevelopment Plans as needed, and
2. The Mayor, Township Administrator, and Township Clerk, together with all other officers, professionals and employees of the Township are hereby authorized and directed to submit this Resolution to the Court, if needed, and to commit to taking any and all steps necessary to effectuate the purposes of this Resolution.

IT IS SO RESOLVED.

Certification:

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regular Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 12th day of August 2025.




Kim J. Macellaro, CMC
Municipal Clerk