

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF HAMILTON,
IN THE COUNTY OF MERCER, APPROVING AND ADOPTING A HOUSING
ELEMENT AND FAIR SHARE PLAN TO SATISFY THE TOWNSHIP'S FOURTH
ROUND AFFORDABLE HOUSING OBLIGATION**

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, pursuant to the Amended FHA and the Administrative Office of the Court's Directive No. 14-24 ("Directive #14-24"), the Township of Hamilton ("Township") Council adopted a "binding resolution" committing to a Present Need obligation of one hundred and eighty-six (186) units and a Prospective Need obligation of five hundred and four (504) units based on the Township's Affordable Housing Planner, Caroline Reiter, P.P., A.I.C.P. ("Planner")'s calculations using the methodology in the Amended FHA; and

WHEREAS, in accordance with the Amended FHA and Directive #14-24, the Township filed a Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("Program"), 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 Builders Association ("NJBA") filed a timely challenge to the DJ Action; and

WHEREAS, the Honorable Mary C. Jacobson, J.S.C. (Ret.) was assigned to manage the proceedings, host settlement conferences, and make recommendations to the Mount Laurel Judge of the Mercer Vicinage; and

WHEREAS, the Township and NJBA reached an agreement that was put on the record at a settlement conference that took place on March 26, 2025, before Judge Jacobson; and

WHEREAS, on April 8, 2025, the court prepared an order fixing the Township's obligation at one hundred and eighty-six (186) units for Present Need and five hundred and twenty (520) units for Prospective Need and authorizing the Township to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round ("Court Order"); and

WHEREAS, in accordance with 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 Hamilton Planning Board ("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, upon notice in accordance with N.J.S.A. 40:55D-13, the Board held a public hearing on June 26, 2025, on the adoption of the Fourth Round HEFSP. Said hearing was attended by the Planner, who was duly sworn, and provided testimony regarding the Fourth Round HEFSP; and

WHEREAS, the hearing was opened to the public, and no members of the public attended the hearing; and

WHEREAS, the Board determined that the Fourth Round HEFSP is consistent with the goals and objectives of the Township's current Master Plan, and that adoption and implementation of the Fourth Round HEFSP is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Hamilton, County of Mercer, State of New Jersey, that the Planning Board hereby adopts the Fourth Round HEFSP, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Planning Board of the Township of Hamilton adopts this resolution to memorialize the action taken by the Board following the close of the public hearing on June 26, 2025.

BE IT FURTHER RESOLVED that the Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the governing body together with this Board's request that the governing body endorse the adopted Fourth Round HEFSP.

I hereby certify this to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Hamilton, Mercer County, New Jersey at a public meeting held on June 26, 2025.



Robert Calabro, Chairman



Madison Nebbia, Planning Board Secretary

ROLL CALL VOTE ON MOTION TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN AFTER FINDING THAT IT IS CONSISTENT WITH THE MASTER PLAN.

The said Resolution was memorialized by the following vote:

Moved: Mr. Maloney

Seconded: Ms. Wilson

	For	Against	Abstain	Absent	Not Qualified to Vote
Robert Calabro, Chair	X				
Michael K. Maloney, Mayor's Designee	X				
Haig Kasabach	X				
Charles Whalen, Council Liaison	X				
Latoya Wilson	X				
Jennifer Coffey				X	
Christopher Lockett, Township Official	X				
Ed Pattik	X				
Joseph Abbott	X				
Richard Conti (Alt. #1)	<u>X</u>				