

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

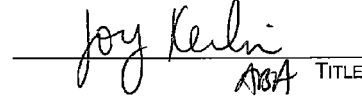
**RESOLUTION**

No. **25-313**

APPROVED AS TO FORM AND LEGALITY

  
TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY

  
TITLE

**RESOLUTION ENDORSING THE TOWNSHIP OF HAMILTON'S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN (FOURTH ROUND HEFSP)**

*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 Resolution 25-080, 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 Action 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 authorized the Township to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round ("Court Order"); and

*Whereas* pursuant to the Amended FHA, Directive #14-24, and the Court Order, the municipality must adopt a housing element and fair share plan as provided for by the "Fair Housing Act," P.L. 1985, c. 222 by June 30, 2025; and

*Whereas* the Planner has prepared a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") that addresses the Township's Fourth Round affordable housing obligation; and

*Whereas* the Planning Board of the Township of Hamilton (the "Planning Board"), at a duly noticed meeting held on June 26, 2025, reviewed the Fourth Round HEFSP and determined that it was consistent with the Master Plan and that implementation of the

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**RESOLUTION**      No. **25-313**

**RESOLUTION ENDORSING THE TOWNSHIP OF HAMILTON'S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN (FOURTH ROUND HEFSP)**

Fourth Round HEFSP is in the public interest and would promote the general welfare and, by Planning Board Resolution dated June 26, 2025, adopted the Fourth Round HEFSP;

*Now, Therefore, Be It Resolved* by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, on this 15<sup>th</sup> day of July, 2025 that:

1. The Township Council hereby endorses the Fourth Round HEFSP as adopted by the Planning Board as an amendment to the Township's Master Plan and agrees to implement the Fourth Round HEFSP by adopting applicable ordinances.
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 take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

ADOPTED BY COUNCIL ON \_\_\_\_\_ JULY 15, 2025 \_\_\_\_\_

DATE

PRESIDENT

ACTING DEPUTY MUNICIPAL CLERK

RECORD OF VOTE						
COUNCIL	AYE	NAY	N.V.	A.B.	RES.	SEC.
ANTHONY P. CARABELLI, JR.	✓					✓
NANCY PHILLIPS				✓		
CHARLES F. WHALEN	✓				✓	
PASQUALE "PAT" PAPERIO, JR.				✓		
RICHARD L. TIGHE, JR.	✓					
X – Indicates Vote    A.B. – Absent    N.V. – Not Voting    RES. – Moved    SEC. – Seconded						