

CRANBURY TOWNSHIP RESOLUTION # R 06-25-094

TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX

**RESOLUTION AUTHORIZING THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING WITH CRANBURY HOUSING
ASSOCIATES INC. IN CONNECTION WITH CRANBURY TOWNSHIP'S
FOURTH ROUND AFFORDABLE HOUSING PLAN**

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the Act (the "FHA"); and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Administrative Directive #14-24"), the Township filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Township of Cranbury in Middlesex County*, Docket No. MID-L-000572-25 on January 28, 2025, identifying its fourth round present need and prospective need obligations, committing to timely preparing and adopting a Housing Element and Fair Share Plan ("HEFSP"), implementing ordinances and compliance submissions, and seeking a declaratory judgment granting fourth round compliance certification, including a judgment of compliance and repose pursuant to N.J.S.A. 52:27D-304.1 of the FHA; and

WHEREAS, Cranbury Housing Associates, Inc. ("CHA") is a local not-for-profit corporation that has a long history of developing, constructing, facilitating and managing affordable housing opportunities within the Township of Cranbury ("Township"); and

WHEREAS, CHA has expressed an interest in constructing, owning, operating and maintaining additional affordable, income-restricted family rental housing in the Township to assist the Township in addressing its Fourth Round (2025-2035) affordable housing obligation; and

WHEREAS, CHA is currently in the process of acquiring certain real property located at the corner of Old Trenton Road and South Main Street, designated as a portion of Block 20.16,

Lot 7.01 on the Cranbury Township Tax Map (the “Property”), for the purposes of constructing and operating a 24-unit, 100% affordable housing development thereon (the “Project”); and

WHEREAS, the Township believes that the Property is suitable and appropriate for the provision of low- and moderate-income housing; and

WHEREAS, the Township has included the Project in its HEFSP, with the Project assisting the Township in meeting and exceeding its Fourth Round affordable housing obligations; and

WHEREAS, N.J.A.C. 5:97-8.7(a) and N.J.A.C. 5:93-8.16 specifies that a municipality may use affordable housing funds for the construction of new affordable housing units, related development costs and for infrastructure directly serving affordable housing developments, for a rehabilitation program, for the acquisition and/or improvement of land to be used for affordable housing, for maintenance and repair of affordable housing units, and for any other activities as specified in an approved spending plan; and

WHEREAS, to enable, facilitate and support the development of the Project, the Township agrees and commits to provide funding to CHA in the amount of \$70,000.00 / unit, for a total municipal funding contribution of \$1,680,000.00; and

WHEREAS, said funds shall come from the municipal affordable housing trust fund and/or by bonding, and is made expressly contingent upon court-approval of a municipal spending plan amendment that includes and commits the necessary funds for this Project; and

WHEREAS, the Township wishes to enter into a Memorandum of Understanding with CHA providing for the Project contemplated herein and does wish to commit and expend funds to assist CHA construct and complete the Project.

NOW, THEREFORE, BE IT RESOLVED on this 26th day of June, 2025, by the Township Committee of the Township of Cranbury as follows:

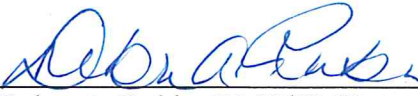
1. The preamble to this resolution is hereby incorporated as if fully restated herein.
2. The Township hereby commits the sum of up to Seventy Thousand (\$70,000.00) Dollars per unit, up to the amount of One Million Six Hundred Eighty Thousand (\$1,680,000.00) Dollars, for the construction of the Project set forth and described herein. Said funds are or shall be available from by the adoption of a necessary funding ordinance and/or the Municipal Affordable Housing Trust Fund pursuant to the Court’s approval of a Fourth Round Municipal Affordable Housing Spending Plan as part of the Township’s Mount Laurel Declaratory Judgment action, Docket No. MID-L-572-25.
3. The Township is hereby authorized to enter into a Memorandum of Understanding with Cranbury Housing Associates, Inc. (the “MOU”), providing for the development of the

Property with a 24-unit, 100% affordable housing development that will be administered in accordance with the terms and conditions of the FHA, the applicable rules of the Council on Affordable Housing ("COAH"), the Uniform Housing Affordability Controls ("UHAC"), and the Township's ordinances.

- a. The MOU shall be expressly contingent upon CHA engaging the assistance of a consultant well versed in the affordable housing funding and application process to assist CHA in the preparation and filing of funding applications for the Project, and because the Township already contemplates compliance mechanisms that will utilize low income housing tax credits, that the Project will not be funded by low income housing tax credits.
 - b. The Mayor and Clerk are authorized and directed to sign the MOU on behalf of the Township, a copy of which is on file in the Municipal Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Township Attorney or Special Counsel for Affordable Housing in consultation with the Mayor and Township Administrator.
4. The Mayor, Administrator, Clerk, Finance Officer, Attorney, Special Counsel for Affordable Housing, Affordable Housing Planner, and other appropriate officers, employees and professionals are hereby authorized and directed to prepare and execute any and all documents regarding the agreement authorized above and to undertake any and all further acts necessary to accomplish the purposes hereof
 5. This Resolution shall take effect immediately.

CERTIFICATION:

I, Debra A. Rubin, RMC/CMR, Municipal Clerk of the Township of Cranbury, County of Middlesex, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Committee at a meeting held on June 26, 2025.


 Debra A. Rubin, RMC/CMR
 Municipal Clerk