



Township of Hillsborough

COUNTY OF SOMERSET
 THE PETER J. BIONDI BUILDING
 379 SOUTH BRANCH ROAD
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Resolution Committing To Adopting The Implementing Ordinances And Resolutions Regarding The Township Of Hillsborough's Affordable Housing Obligations For The Fourth (4th) Round

WHEREAS, on March 20, 2024, an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. was signed into law ("Amended FHA"); and,

WHEREAS, the Amended FHA requires that a municipality must adopt a Housing Element and Fair Share Plan ("HEFSP") for the Fourth (4th) Round on or before June 30, 2025, and, thereafter, the municipality must file the HEFSP with the Superior Court of New Jersey and the Affordable Housing Dispute Resolution Program ("Program") within forty-eight (48) hours of adoption or by June 30, 2025, whichever is sooner; and,

WHEREAS, the Township adopted its HEFSP and timely filed same with the Court and the Program on June 25, 2025, in accordance with the requirements of the Amended FHA; and,

WHEREAS, challenges were filed to the Township's HEFSP by Fair Share Housing Center ("FSHC"), 00 Hamilton LLC ("Hamilton"), Adoni Property Group LLC ("Adoni") (Adoni withdrew its objection with the Court on February 10, 2026), AvalonBay Communities Inc. ("Avalon"), Fairhaven Development LLC ("Fairhaven"), Hillsborough RB LLC ("RB"), M&M Realty Partners LLC ("M&M"), Murray Contracting and Homestead Corner LLC ("Murray"), Robertson Douglas Group Inc. ("Robertson"), Valley Industrial Partners LLC ("Valley"), West Essex Industrial Park LLC ("West Essex"), and Weston Road LLC ("Weston"); and,

WHEREAS, the disputes regarding the challenges to the Township's HEFSP were referred to the Program for review; and,

WHEREAS, on October 21, 2025, November 24, 2025 and December 9, 2025, settlement conferences were held with the Program regarding the challenges; and,

WHEREAS, while the settlement conferences were ultimately unsuccessful at reaching a resolution as to most of the challenges, settlements were reached with challengers Robertson and Murray by including projects on their respective properties in the Township's HEFSP; and,

WHEREAS, notwithstanding the settlements of the Robertson and Murray challenges, a session was conducted by the Program on December 22, 2025, at which session the Program Member heard oral argument from the remaining challengers concerning their objections to the Township's adopted HEFSP; and,

WHEREAS, the Program Member recommended to the Honorable William Mennen, J.S.C. ("Judge Mennen"), the Mount Laurel judge for this vicinage, a finding that the Township's proposed amended HEFSP is not presently in compliance with the FHA and the Mount Laurel doctrine. However, the Program Member found that the Township has "demonstrated [a] willingness to engage in negotiations with Fair

Share and the developer/challengers and to make significant revisions to its Plan during the mediation process...”. Based upon that willingness, the Program Member recommended that “immunity from exclusionary housing litigation should be extended to the Township for a few more months as the case is referred to the Mt. Laurel Judge in Somerset County for further proceedings”; and,

WHEREAS, the Program Member further recommended that the Superior Court direct and oversee continued settlement negotiations between the Township and the remaining challengers; and,

WHEREAS, the disputes regarding the remaining challenges of the Township’s compliance with its affordable housing obligations for the Fourth (4th) Round remain ongoing; and,

WHEREAS, the Amended FHA requires that the ordinances and resolutions necessary for the implementation of a municipality’s HEFSP must be adopted on or before March 16, 2026. See N.J.S.A. 52:27D-304.1. However, the Amended FHA further provides that “[a]s an alternative to adopting all necessary implementing ordinances and resolutions by the March 16 deadline, a municipality involved in a continuing dispute over the issuance of compliance certification may adopt a binding resolution by this date to commit to adopting the implementing ordinances and resolutions following resolution of the dispute, with necessary adjustments to reflect the resolution of the dispute”. Id.; and,

WHEREAS, consistent with the above provisions of the Amended FHA, on January 27, 2026, Judge Mennen entered an Order providing that “[n]otwithstanding any remaining dispute(s) with any remaining [c]hallenger(s), the [Township] shall follow the procedure set forth in N.J.S.A. 52:27D-304.1(f)(2)(c) and (d), requiring that, on or before March 16, 2026, the [Township] shall (i) adopt and file its proposed amended HEFSP as well as the implementing ordinances and resolutions proposed within the amended HEFSP, which adoption shall be subject to change based on any forthcoming settlement if negotiations remain ongoing as of that date or, in the alternative, (ii) adopt a binding resolution by March 16, 2026 to commit to adopting the implementing ordinances and resolutions required following resolution of the dispute(s), with necessary adjustments to reflect the terms of said resolution; and,

WHEREAS, the Township is involved in a continuing attempts to resolve outstanding items in order to obtain the issuance of a compliance certification and, by way of this binding resolution, commits to adopting the implementing ordinances and resolutions following the resolution of the disputes, with necessary adjustments made to reflect the resolution of the disputes, as per His Honor’s January 27, 2026 Order.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township hereby commits to adopting the ordinances and resolutions necessary to implement the Township’s HEFSP following the resolution of the disputes that are currently pending with the Court and will make the necessary adjustments to reflect the resolution of the disputes at the time that they are adopted; and,

BE IT FURTHER RESOLVED that the Township’s Affordable Housing Counsel is hereby directed and authorized to file a copy of this Resolution with the Superior Court of New Jersey following its adoption; and,

BE IT FURTHER RESOLVED that the Township Clerk is further authorized to immediately post a copy of this Resolution on the Township’s website.

R-117-2026

Consent # 13.



Mayor Catherine Payne

By my signature below, I, Sarah Brake, RMC, Township Clerk for the Township of Hillsborough do hereby certify that this is a true copy of a Resolution memorializing an action of the Hillsborough Township Committee, which occurred at a meeting of the Hillsborough Township Committee held on the 10th day of March, 2026



Sarah Brake, RMC
Township Clerk of the Township of Hillsborough