

**TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY**

RESOLUTION #26-3-113

**ENDORING THE AMENDED FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, in accordance with the Mount Laurel Doctrine every municipality has a constitutional obligation to create a realistic opportunity for producing a fair share of the regional present and prospective need for housing low- and moderate-income families; and

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

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the "Fourth Round" of affordable housing obligations ("Fourth Round"); and

WHEREAS, the Township Committee of the Township of Montgomery ("Township") adopted Resolution No. 25-1-54 on January 27, 2025, identifying its present need obligation as 73 units and prospective need obligation as 260 affordable units for the Fourth Round.

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 ("Directive #14-24"), the Township filed a Complaint for Declaratory Judgment with the Superior Court of New Jersey, Law Division, Somerset County, entitled In the Matter of the Application of the Township of Montgomery, County of Somerset, State of New Jersey, Docket No. SOM-L-153-25 on January 29, 2025 (the "DJ Action"), identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, no parties challenged the Township's present and prospective need obligations; and

WHEREAS, on March 26, 2025, the Honorable William G. Mennen, J.S.C., issued an Order setting the Township's present need obligation at 73 units and the prospective need obligation at 260 affordable units and further authorized the Township to proceed with preparation and adoption of a proposed HEFSP to satisfy the Township's affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, no later than June 30, 2025; and

WHEREAS, the Township of Montgomery Planning Board ("Board") adopted, and the Township Committee endorsed, the HEFSP, entitled "2025 Fourth Round Housing Element & Fair Share Plan"

prepared by the Township's affordable housing planner, Clarke Caton Hintz, dated June 13, 2025 (the "Fourth Round HEFSP"), as an amendment to the Township's Master Plan, and thereafter timely filed the Fourth Round HEFSP; and

WHEREAS, multiple challenges to the Township's Fourth Round HEFSP were filed with the Program; and

WHEREAS, after adoption of the plan, the Township was able to secure the opportunity to extend existing controls at a prior round site that was previously unavailable; and

WHEREAS, on March 9, 2026, upon notice duly provided pursuant to N.J.S.A. 10:4-6 et seq. and N.J.S.A. 40:55D-13, the Board held a public hearing on the proposed "Amended Fourth Round Housing Element & Fair Share Plan" prepared by Clarke Caton Hintz (the "Amended HEFSP"); and

WHEREAS, the Governing Body has reviewed the Amended HEFSP adopted by the Board on March 9, and wishes to endorse said plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montgomery, Somerset County as follows:

1. The Governing Body does hereby endorse Amended Fourth Round Housing Element & Fair Share Plan adopted by the Township of Montgomery Planning Board on March 9, 2026.
2. The Governing Body does hereby authorize the filing of this Resolution on eCourts for review by the Program.
3. The Mayor and Clerk, together with other appropriate officers and employees of the Township of Montgomery, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Montgomery, County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Committee at a Regular Meeting held on March 19, 2026.


Lisa Fania, RMC
Township Clerk