



4. PLANNING BOARD ADOPTION RESOLUTION

**TOWNSHIP OF MONTGOMERY PLANNING BOARD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

RESOLUTION NO. 02-2025

**RESOLUTION 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, 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, 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, with associated resolutions and proposed drafts of the appropriate zoning and other ordinances, necessary to implement its HEFSP, no later than June 30, 2025; and

WHEREAS, the Township's Affordable Housing Planner, Clarke Caton Hintz, prepared a proposed HEFSP, entitled "2025 Fourth Round Housing Element & Fair Share Plan" dated June 13, 2025 (the "Fourth Round HEFSP"); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Township of Montgomery 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 duly provided pursuant to N.J.S.A. 40:55D-13, the Board held a public hearing on the proposed Fourth Round HEFSP on June 23, 2025 and June 26, 2025, during which the proposed Fourth Round HEFSP was presented to the Board and public, and opportunity for comments and questions was provided; and

WHEREAS, the Board notes and objects to the unfair timeline imposed upon municipalities by the FHA to prepare an affordable housing plan, with the failure to do so resulting in exposure to builders remedy lawsuits; and

WHEREAS, the Board recognizes that the FHA act allows the HEFSP to be amended and/or supplemented should the need arise; and

WHEREAS, with the conclusion of the public hearing and based on the foregoing, the Board finds and hereby determines that the proposed Fourth Round HEFSP is consistent with the goals and objectives of the Master Plan of the Township, will guide the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve the goal of access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, by the adoption of this Resolution, the Board memorializes its adoption of the proposed Fourth Round HEFSP as the Housing Element and Fair Share Plan components of the Township of Montgomery Master Plan, in accordance with N.J.S.A. 40:55D-28, the FHA and Directive #14-24.

NOW, THEREFORE, BE IT RESOLVED by the Township of Montgomery Planning Board that the plan entitled “2025 Fourth Round Housing Element & Fair Share Plan”, prepared by Clarke Caton Hintz, dated June 13, 2025 (the “Fourth Round HEFSP”), is hereby approved and adopted as the 2025 Housing Element and Fair Share Plan components of the Township of Montgomery Master Plan.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to transmit a certified, electronic copy of the 2025 HEFSP and this resolution to the Township’s affordable housing counsel for further disposition

BE IT FURTHER RESOLVED the Board Secretary is hereby authorized and directed to provide a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the Somerset County Planning Board and New Jersey Office of Planning Advocacy, in accordance with the requirements of N.J.S.A. 40:55D-13.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ROLL CALL VOTE ON MOTION TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN (June 26, 2025)

Those in Favor: Battle, Glockler, Hamilton, Khan, Roberts, Singh, Taylor Todd and Campeas


Those Opposed: Blodgett

Absent: Mani, Matthews

ROLL CALL VOTE ON MOTION TO APPROVE RESOLUTION OF MEMORIALIZATION (June 26, 2025)

Those in Favor: Battle, Glockler, Hamilton, Khan, Roberts, Singh, Taylor Todd and Campeas

Those Opposed: None



LORI SAVRON
PLANNING BOARD SECRETARY
TOWNSHIP OF MONTGOMERY
STATE OF NEW JERSEY



5. GOVERNING BODY ENDORSEMENT RESOLUTION

RESOLUTION ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN

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, with associated resolutions and proposed drafts of the appropriate zoning and other ordinances, necessary to implement its HEFSP, no later than June 30, 2025; and

WHEREAS, the Township of Montgomery Planning Board (“Board”) adopted 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 on June 26, 2025; and

WHEREAS, the Governing Body desires to endorse the Fourth Round HEFSP adopted by the Board on June 26, 2025.

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 the Fourth Round HEFSP adopted by the Township of Montgomery Planning Board on June 26, 2025.
2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Fourth Round HEFSP adopted by the Board 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.