

**TOWNSHIP OF SCOTCH PLAINS****RESOLUTION NO. 2025-184****Resolution Endorsing The Fourth Round Housing Element And Fair Share Plan.**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c. 2), which legislation amended the Fair Housing Act, N.J.S.A. 52:27D-302 et seq. and required each municipality to provide its fair share of affordable housing obligation under the Mount Laurel Doctrine based on a new process and updated methodology; and

**WHEREAS**, the new law established the Affordable Housing Dispute Resolution Program (the “Program”), an alternative dispute resolution program with retired judges to resolve cases regarding the Fair Housing Act (the “FHA”); and

**WHEREAS**, pursuant to the amended FHA, the New Jersey Department of Community Affairs (the “DCA”) was required to provide non-binding calculations of each municipality’s present and prospective needs for affordable housing, using the formula outlined in P.L. 2024, c. 2; and

**WHEREAS**, on October 18, 2024, the DCA calculated the non-binding statewide and regional affordable housing needs and released a report containing a non-binding determination of each municipality’s Fourth Round (2025 to 2035) affordable housing obligation, entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “DCA Report”); and

**WHEREAS**, the DCA Report calculated the Township of Scotch Plains’ non-binding Present Need obligation as 53 units and non-binding Prospective Need obligation as 244 units for the Fourth Round; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1.f.(1)(a), each municipality was required to determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 by resolution describing the basis for the determination and binding the municipality to adopt a housing element and fair share plan based on that determination; and

**WHEREAS**, the Township of Scotch Plains retained the services of Michael J. Mistretta, P.P., LLA, of Harbor Consultants, Inc., to calculate the Township’s Present and Prospective Need obligations, as well as to prepare a Housing Element and Fair Share Plan pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

**WHEREAS**, Harbor Consultants calculated the Township’s Fourth Round Present Need obligation to be 53 units and the Prospective Need obligation to be 188 units; and

**WHEREAS**, on January 21, 2025, the Township Council for the Township of Scotch Plains (the “Township Council”) adopted Resolution 2025-61 accepting a present need obligation of 53 units and setting forth a prospective need obligation of 188 units as its Fourth Round (2025 to 2035) affordable housing obligation; and

**WHEREAS**, in accordance with the FHA and the Administrative Office of the Court’s Directive #14-24, the Township of Scotch Plains timely filed a Declaratory Judgment Action with the Program seeking a judgment of compliance on January 22, 2025; and

**WHEREAS**, on February 27, 2025, a challenge to the Township's Present Need and Prospective Need obligations was filed by the New Jersey Builders Association; and

**WHEREAS**, on March 26, 2025, the Township participated in a settlement conference and session before its assigned Program Member, the Honorable Thomas C. Miller, A.J.S.C. (Ret.) ("Judge Miller"); and

**WHEREAS**, on April 15, 2025, Judge Miller issued the Program's Recommendation that the Township's Present Need affordable housing obligation be set at 53 units and Prospective Need affordable housing obligation be set at 213 units; and

**WHEREAS**, on April 30, 2025, the Union County Superior Court Mount Laurel Judge, the Honorable Daniel R. Lindemann, J.S.C. ("Judge Lindemann"), entered an Order and Decision accepting the Program's recommendation and setting the Township's Present Need affordable housing obligation at 53 units and Prospective Need affordable housing obligation at 213 units; and

**WHEREAS**, the amended FHA requires the Township to adopt a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

**WHEREAS**, Michael J. Mistretta, P.P., LLA, of Harbor Consultants, Inc., prepared the Township's Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28b(3); and

**WHEREAS**, the Fourth Round Housing Element and Fair Share Plan ("HEFSP") has been prepared in response to the requirements set forth in the amended FHA which reformed municipal responsibilities regarding the provision of affordable housing for the Fourth Round and beyond in 10-year rounds of housing obligations beginning on July 1, 2025; and

**WHEREAS**, the HEFSP is part of the Township of Scotch Plains request for a judgment of compliance from the County Mount Laurel Judge and the Affordable Housing Dispute Resolution Program and includes the projects and strategies addressing the Township's affordable housing obligations; and

**WHEREAS**, the Planning Board of the Township of Scotch Plains (the "Planning Board") issued proper notices to propose an amendment to its Master Plan at a public hearing conducted on Monday, June 16, 2025, starting at 7:30 p.m., a regular meeting night for the Planning Board, at which time the public and any interested persons were given the opportunity to be heard; and

**WHEREAS**, Mr. Mistretta drafted a report dated June 2025, which has been on file and available for public inspection since June 6, 2025, entitled "Housing Element and Fair Share Housing Plan" (the "Report"), and appeared at the June 16, 2025 public meeting before the Planning Board and was duly sworn, qualified as an expert Planner to testify; and

**WHEREAS**, at the June 16, 2025 public hearing of the Planning Board, Mr. Mistretta presented the Report and answered any questions from the public or the Planning Board regarding the implementation of adjustments to finalize the Township's HEFSP; and

**WHEREAS**, the Planning Board conducted the public hearing and considered any necessary adjustments to the Report as required by the FHA to meet changed conditions and to amend its Master Plan as mandated to address affordable housing; and



**WHEREAS**, the HEFSP has been proposed in direct response to and for compliance with the FHA under the procedures provided in the Municipal Land Use Law (the "MLUL") and direction from the Township for the Planning Board to act; and

**WHEREAS**, the Planning Board, after conducting the public hearing and discussing the contents of the Report, and understanding the statutory requirements to adopt an amendment to address proposed changes to the Township's Master Plan, made several findings of fact outlined in the Planning Board resolution based on the evidence, record, testimony and proceedings before the Planning Board; and

**WHEREAS**, the Report prepared by Mr. Mistretta addressed the Township's compliance with the MLUL, relevant Uniform Housing Affordability Controls regulations, the requirements of the Uniform Housing Affordability Controls regulations, the requirements of the FHA, as amended, and other applicable law; and

**WHEREAS**, on June 16, 2025, the Planning Board adopted a Fourth Round Housing Element and Fair Share Plan, as well as a resolution memorializing its action; and

**WHEREAS**, the Township Council of the Township of Scotch Plains wishes to endorse the Fourth Round Housing Element and Fair Share Plan; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Scotch Plains hereby endorses the Fourth Round Housing Element and Fair Share Plan, which was adopted by the Township of Scotch Plains Planning Board on June 16, 2025; and

**BE IT FURTHER RESOLVED** that the Township Council directs the Township's Affordable Housing Counsel to file the Fourth Round Housing Element and Fair Share Plan with the Program, together with any additional documents at the discretion of counsel, and to seek approval of the Fourth Round Housing Element and Fair Share Plan by the Program and the Court.

Dated: June 24, 2025

#### RECORD OF VOTE

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COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
ADAMS	X				ZIMMERMAN	X			
STAMLER	X				MAYOR LOSARDO	X			
WHITE	X				COMMENT				
MOTION	ADAMS				SECOND	ZIMMERMAN			
X- INDICATES VOTE    AB- ABSENT    NV- NOT VOTING									

Certified copy of a resolution adopted  
at a regular meeting of the Township  
Council of the Township of Scotch Plains,  
Union County, New Jersey on

\_\_\_\_ JUNE 24, \_\_\_\_ 2025

*Bozena Lacina*  
Bozena Lacina, RMC  
Municipal Clerk

