

**HARDWICK TOWNSHIP LAND USE BOARD
WARREN COUNTY, NEW JERSEY**

RESOLUTION NO R:26-3

**A RESOLUTION OF THE HARDWICK TOWNSHIP LAND USE BOARD
APPROVING THE REVISION AND AMENDMENT TO THE FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN FOR THE
TOWNSHIP OF HARDWICK**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024. c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the Township adopted a "binding resolution" accepting the Department of Community Affairs (hereinafter "DCA") -calculated Present Need and Prospective Need obligations, as required by the Amended FHA, on January 21, 2025, establishing its Fourth Round Present Need of zero (0) obligation and Prospective Need of 29 obligation; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("the Program"), along with its binding resolution, on January 22, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits; and

WHEREAS, the Township did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory presumption of validity of the municipally determined Fourth Round obligations on March 1, 2025; and

WHEREAS, the Amended FHA required the municipality to adopt and endorse a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Township's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan ("HEFSP"); and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 18, 2025; and

WHEREAS, the Hardwick Township Land Use Board (hereinafter "Land Use Board") previously adopted the Fourth Round Housing Element and Fair Share Plan (hereinafter "HEFSP") for the Township of Hardwick on June 18, 2025; and

WHEREAS, Fair Share Housing Center filed a challenge to the Township's HEFSP, and the Township and Fair Share Housing Center having come to a settlement agreement regarding the same, which requires certain amendments to the Township's Fourth Round HEFSP; and

WHEREAS, it has been determined that certain revisions and amendments to the adopted HEFSP are necessary and appropriate to more fully address the Township’s fair share housing obligations; and

WHEREAS, the proposed amendments include an expanded discussion of the Durational Adjustment, adding two (2) new subsections entitled “Municipal Commitment to Reserve New Public Water and/or Sewer Capacity” and “Municipal Commitment to Assist in the Provision of Public Water and Sewer,” addressing the Township’s obligations pursuant to N.J.A.C. 5:93-4.3(c)(1); and

WHEREAS, the proposed amendments further include a complete revision to the Additional Mechanisms section of the HEFSP, creating three (3) new subsections entitled “Amended Ordinances and Resolutions,” “New Ordinances and Resolutions,” and “Permitted Density Increase in LD Zone,” consistent with the recently adopted N.J.A.C. 5:99 and N.J.A.C. 5:80-26.1 *et seq.* (Uniform Housing Affordability Controls or “UHAC”) regulations; and

WHEREAS, the amendments reflect the Township’s preparation and anticipated adoption of updated affordable housing-related ordinances and resolutions, including an Affordable Housing and Development Fee Ordinance, Spending Plan, Mandatory Set-Aside Ordinance, and related resolutions appointing its Administrative Agent and Municipal Housing Liaison; and

WHEREAS, the amendments further incorporate a Permitted Density Increase provision for the Township’s Low Density Residential “LD” Zone, consistent with N.J.A.C. 5:97-6.4, providing for a forty percent (40%) increase in permitted density and a minimum lot size of two (2) acres for qualifying inclusionary housing developments; and

WHEREAS, the Land Use Board has reviewed the proposed revisions and amendments to the HEFSP and finds that they are consistent with the Township’s fair share housing obligations and applicable New Jersey law and regulations; and

WHEREAS, the Land Use Board finds that the revised and amended HEFSP is consistent with the goals and objectives of the Township’s current Master Plan, and that the adoption and implementation of the revised and amended HEFSP is in the public interest and protects public health and safety and promotes the general welfare of the Township and its residents.

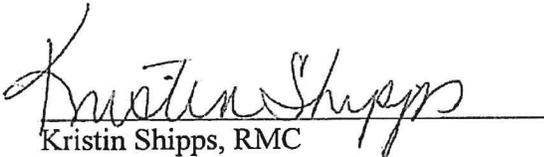
NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Hardwick, Warren County, New Jersey, as follows:

1. The Land Use Board hereby approves the Revision and Amendment to the Fourth Round Housing Element and Fair Share Plan for the Township of Hardwick, as presented at the Land Use Board meeting of March 12, 2026.
2. The revised and amended HEFSP is hereby incorporated into the Township’s official planning documents.
3. The Land Use Board Secretary is hereby authorized and directed to forward a certified copy of this Resolution, together with the approved revised and amended HEFSP, to the Superior Court of New Jersey as required.
4. This Resolution shall take effect immediately upon adoption.

BE IT FURTHER RESOLVED that the Land Use Board Secretary is hereby directed to file a copy of this Resolution with the Municipal Clerk of the Township of Hardwick and to maintain it as part of the permanent records of the Land Use Board.

* * * * *

I, Kristin Shipps, Land Use Board Secretary of the Township of Hardwick, Warren County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Hardwick Township Land Use Board at a duly noticed public meeting held on March 12, 2026, at which a quorum was present and voted.


Kristin Shipps, RMC
Land Use Board Secretary
Township of Hardwick

February 2026

Prepared by Heyer, Gruel & Associates

This report details the substantive revisions which amend the Fourth Round Housing Element and Fair Share Plan (HEFSP) for the Township of Hardwick, dated June 5, 2025 and adopted by the Land Use Board on June 18, 2025. All page numbers listed correspond to the adopted HEFSP document.

- Expanded the discussion of the Durational Adjustment on page 39, to eliminate the last sentence of this section, and create two (2) new subsections entitled, “Municipal Commitment to Reserve New Public Water and/or Sewer Capacity” and “Municipal Commitment to Assist in the Provision of Public Water and Sewer.”
 - “Municipal Commitment to Reserve New Public Water and/or Sewer Capacity” reads: “Should adequate public water and/or sewer capacity become available in the Township, it shall be required, pursuant to N.J.A.C. 5:93-4.3(c)(1), to reserve and set aside sufficient water and/or sewer capacity, when it becomes available, for very low-, low-, and moderate-income housing on a priority basis until it has satisfied its fair share obligations.
 - (i.) The municipality shall endorse all applications to the DEP or its agents to provide infrastructure for water and/or sewer capacity.
 - (ii.) Where the DEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low- and moderate- income housing, the municipality shall permit such development subject to land use approval and compliance with existing zoning laws and ordinances.”
 - “Municipal Commitment to Assist in the Provision of Public Water and Sewer” reads: “The Township shall cooperate with appropriate parties, and act in good faith, to assist any proposed inclusionary developments in the Township in facilitating the provision of public water and sewer to those sites. Such cooperation shall include, but not be limited to, supporting and endorsing, and if necessary, becoming a co-applicant on:
 - (i.) Any applications to the DEP or its agent to provide infrastructure for a site;
 - (ii.) Any applications for the inclusion of any parcels in any appropriate sewer service area or wastewater management plan;
 - (iii.) Any applications related to the expansion of water franchise areas;
 - (iv.) Any applications made to any State, county, local, or other body politic or utility authority necessary in order to provide public sewer and water service; and
 - (v.) Any other reasonable steps necessary or required to help facilitate the provision of public water and sewer, however, the Township shall not be required to expend any

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municipal resources or funds as a result of this, or any other provision, of its Consent Order with the Fair Share Housing Center.”

- Amended the entire discussion of Additional Mechanisms on page 41 based the recently adopted N.J.A.C. 5:99 and N.J.A.C. 5:80-26.1 et seq. (Uniform Housing Affordability Controls or “UHAC”) regulations and created three (3) new subsections entitled “Amended Ordinances and Resolutions,” “New Ordinances and Resolutions,” and “Permitted Density Increase in LD Zone.”
 - “Amended Ordinances and Resolutions,” reads: “The Township prepared updates to several affordable housing-related resolutions and ordinances including its Affordable Housing and Development Fee Ordinance (Chapter 13 Article XII of the Township Code) and Spending Plan to comply with the Fair Housing Act, UHAC, and N.J.A.C. 5:99-1 et seq., as most recently amended, which are anticipated to be adopted by March 15, 2026. Further, the Township will adopt resolutions appointing its Administrative Agent and Municipal Housing Liaison for 2026 by March 15, 2026.”
 - “New Ordinances and Resolutions,” reads: “Additionally, the Township created a new Mandatory Set-Aside Ordinance, also anticipated to be adopted by March 15, 2026, which shall require a twenty percent (20%) set-aside of affordable housing in any residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, as well as an Affirmative Marketing Plan in accordance with the requirements outlined in its Affordable Housing Ordinance and UHAC. The Affirmative Marketing Plan ensures that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Township of Hardwick, are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within Housing Region 2, the COAH Housing Region encompassing the Township of Hardwick.”
 - “Permitted Density Increase in LD Zone,” reads: “Consistent with the provisions of N.J.A.C. 5:97-6.4, all lands within the Township’s Low Density Residential “LD” Zone will be considered for a forty percent (40%) increase in permitted density and a minimum lot size of two (2) acres when developed as an inclusionary housing site with a twenty percent(20%) set aside, subject to revision based on any updated regulations hereinafter adopted. The Township has prepared an Ordinance to amend the existing bulk and area standards for the LD Zone, which are outlined in Chapter 13, Article III of Hardwick’s Zoning Ordinance.”