

**INDEPENDENCE TOWNSHIP, WARREN COUNTY, NEW JERSEY**

**RESOLUTION 26-19**

**RESOLUTION ENDORSING THE  
2025 FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' 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 must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

**WHEREAS**, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

**WHEREAS**, the Independence Township Committee (the "Committee") adopted Resolution No. 25-15 on January 25, 2025 identifying its present and prospective fair share obligation for the Fourth Round: as follows:

Present Need: 6

Prospective Need: 35; and

**WHEREAS**, the Township of Independence (the "Township") filed a Complaint for Declaratory Judgement, captioned *IMO Independence Township*, Docket No. WRN-L-48-25 on January 27, 2025 identifying its present and prospective fair share obligation for the Fourth Round as set forth above and committing to adopting and submitting a fourth round housing element and fair share plan as required by the FHA (the "Declaratory Judgment Action"); and

**WHEREAS**, the New Jersey Builder's Association ("NJBA") filed a challenge to the Declaratory Judgment Action; and

**WHEREAS**, the Affordable Housing Dispute Resolution Program held a settlement conference on March 26, 2025 presided over by the Honorable Thomas C. Miller, A.J.S.C. (ret.); and

**WHEREAS**, Elizabeth McManus, P.P. served as the Special Adjudicator at the Settlement Conference; and

**WHEREAS**, NJBA did not participate in the settlement conference or otherwise make an appearance during the proceedings; and

**WHEREAS**, the Court entered an Order on April 23, 2025 setting the Township's Fourth Round Affordable Housing Obligations as follows:

Present Need: 6

Prospective Need: 44

**WHEREAS**, the FHA now requires, among other actions, that municipalities submit an adopted housing element in fair share plan on or before June 30, 2025; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Independence Township Land Use (the "Board") held a public hearing on the 2025 Fourth Round Housing Element and Fair Share Plan ("HEFSP") on June 16, 2025 and adopted the HEFSP; and

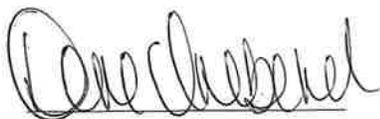
**WHEREAS**, a true copy of the HEFSP and the resolution of the Board adopting the HEFSP is attached hereto as Exhibit A; and

**WHEREAS**, the Township Committee wishes to endorse the HEFSP and seek approval of the HEFSP from the Court; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Independence Township Committee as follows:

1. That it hereby endorses the Housing Element and Fair Share Plan, as adopted by the Township Land Use Board on June 16, 2025 via the resolution, attached hereto as part of Exhibit A.
2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Board adopting and the Township Committee endorsing the Housing Element and Fair Share Plan, (iii) the settlement agreement, and (iv) any additional documents the professionals deem necessary or desirable.
3. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.
4. This Resolution shall take effect immediately.

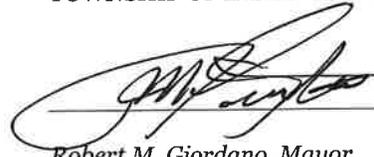
*ATTEST:*



*Dena M. Hrebenak, RMC*

*Municipal Clerk/Administrator*

*TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF INDEPENDENCE*



*Robert M. Giordano, Mayor*

**Certification**

I, Dena M. Hrebenak, Municipal Clerk/Administrator of the Township of Independence, do hereby certify that the foregoing Resolution is a true and exact copy adopted by the Township Committee of the Township of Independence March 10, 2026.

A handwritten signature in black ink, appearing to read "Dena M. Hrebenak", written over a horizontal line.

**Dena M Hrebenak, RMC**

**Township Municipal Clerk/Administrator**

**INDEPENDENCE TOWNSHIP, WARREN COUNTY, NEW JERSEY**

**RESOLUTION 26-20**

**RESOLUTION ADOPTING THE "AFFIRMATIVE MARKETING PLAN"**

**WHEREAS**, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, *et seq.*), the Township of Independence is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the Housing Element and Fair Share Plan within the Township, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region #2, the Affordable Housing Region encompassing the Township.

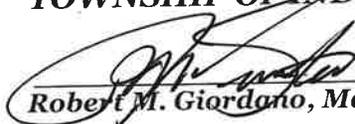
**NOW, THEREFORE, BE IT RESOLVED**, by the Independence Township Committee as follows:

1. The Affirmative Marketing Plan attached hereto is adopted.
2. The Township Attorney and Township Planner are authorized to file this Resolution and Affirmative Marketing Plan with the Superior Court.
3. This Resolution shall take effect immediately.

**ATTEST:**

  
 \_\_\_\_\_  
 Dena M. Hrebenak, RMC  
 Clerk/Administrator

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF INDEPENDENCE**

  
 \_\_\_\_\_  
 Robert M. Giordano, Mayor

**Certification**

**I, Dena M. Hrebenak, Municipal Clerk/Administrator of the Township of Independence, County of Warren, State of New Jersey, do hereby certify that the foregoing Resolution is a true and exact copy adopted by the Township Committee of the Township of Independence on March 10, 2026.**

  
 \_\_\_\_\_  
 Dena M Hrebenak, RMC  
 Clerk/Administrator

**INDEPENDENCE TOWNSHIP, WARREN COUNTY, NEW JERSEY**

**RESOLUTION 26-21**

**RESOLUTION ADOPTING AN AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' 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 Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located"; and

**WHEREAS**, Independence Township (the "Township") filed a Complaint for Declaratory Judgement, captioned IMO Independence Township, Docket No. ATL-L-184-25 on January 28, 2025 identifying its present and prospective fair share obligation for the Fourth Round as set forth above and committing to adopting and submitting a fourth round housing element and fair share plan as required by the FHA; and

**WHEREAS**, the Township has in place a Development Fee Ordinance (Township Code Chapter 115, Section 15) that establishes standards for the collection, maintenance, and expenditure of development fees to be used for providing low- and moderate-income housing in the Township; and

**WHEREAS**, the Development Fee Ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of construction of affordable units on-site, barrier free escrow funds, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

**WHEREAS**, N.J.A.C. 5:97-8.1(d) and N.J.S.A. 52:27D-329.2 require a municipality with an affordable housing trust fund to receive approval of a spending plan from a court of competent jurisdiction prior to spending any of the funds in its housing trust fund; and

**WHEREAS**, the Township Planner has prepared a spending plan consistent with N.J.A.C. 5:97-8.10, which is attached hereto; and

**WHEREAS**, the Township wishes to continue to provide affordable housing opportunities through expenditure of funds through the Affordable Housing Trust Fund;

**NOW, THEREFORE, BE IT RESOLVED**, by the Independence Township Committee as follows:

1. The Township Committee approves and adopts the Spending Plan attached hereto.
2. The Township Committee directs its professionals to file the attached Spending Plan with the Court.
3. The Township Committee reserves the right to amend the Spending Plan, should that be necessary.
4. This Resolution shall take effect immediately.

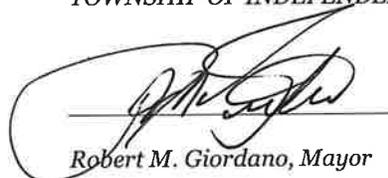
ATTEST:



*Dena M. Hrebenak, RMC*

*Municipal Clerk/Administrator*

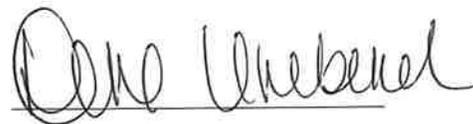
TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF INDEPENDENCE



*Robert M. Giordano, Mayor*

**Certification**

I, Dena M. Hrebenak, Municipal Clerk/Administrator of the Township of Independence, do hereby certify that the foregoing Resolution is a true and exact copy adopted by the Township Committee of the Township of Independence March 10, 2026.



**Dena M Hrebenak, RMC**

**Township Municipal Clerk/Administrator**