

## **RESOLUTION**

### **OF THE TOWNSHIP OF POHATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, ENDORISING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY TOWNSHIP OF POHATCONG LAND USE BOARD ON JUNE 30, 2025**

**WHEREAS**, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 ("FHA" or "FHA-2"); and

**WHEREAS**, P.L. 2024, c. 2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (Program), and established new procedures and deadlines for municipalities to come into compliance with the FHA and the Mount Laurel doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025, and ends on June 30, 2035; and

**WHEREAS**, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance with the FHA in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c.2; and

**WHEREAS**, amongst other things, Directive #1424 and P.L. 2024, c. 2, require each municipality to adopt a binding resolution setting forth its Fourth-Round present and prospective need obligations and file a declaratory judgment action with the Program through the New Jersey e-courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

**WHEREAS**, in compliance with P.L. 2024, c. 2 and Directive #14-2, the Township of Pohatcong timely adopted a resolution setting forth the Township's pre-credited/unadjusted Fourth Round affordable housing obligations on January 21, 2025 and on January 23, 2025 the Township uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled: In the Matter of the Application of the Township of Pohatcong, County of Warren, State of New Jersey, Docket No.: WRN-L-000037-25 (Township's "2025 Action"); and

**WHEREAS**, on March 25, 2025 Hunterdon County Mount Laurel Judge, the Honorable William G. Mennen, J.S.C., issued an Order in the Township's 2025 Action fixing the Township's Fourth Round pre-credited/unadjusted Present Need Obligation at zero (0) and the Township's Fourth Round gross Prospective Need Obligation at sixty-five (65) and which Order further directs the Township to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025. This June 30, 2025 deadline was extended to July 2, 2025 by virtue of a Motion filed by the Township and granted by the Honorable William G. Mennen, J.S.C.; and

**WHEREAS**, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Mennen in the Township's 2025 Action, the Township's Municipal Planner has since prepared the Township's 2025 Housing Element and Fair Share Plan; and

**WHEREAS**, on timely prior notice to the public, on June 30, 2025, the Township of Pohatcong Land Use Board adopted the Township's 2025 Housing Element and Fair Share Plan following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

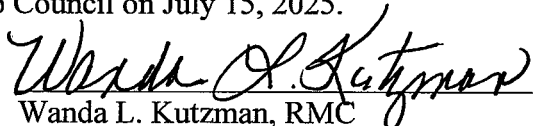
**WHEREAS**, the Township Committee of the Township of Pohatcong has since reviewed the 2025 Housing Element and Fair Share Plan, and now desires to endorse the 2025 Housing Element and Fair Share Plan, as previously adopted by the Township of Pohatcong on June 30, 2025.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Pohatcong, in the County of Warren, and State of New Jersey, as follows:

1. The Township does hereby endorse and approve the 2025 Housing Element and Fair Share Plan adopted by the Township of Pohatcong Land Use Board on June 30, 2025.
2. The Township Municipal Attorney, Municipal Planner and all other appropriate officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township maintains its immunity from exclusionary zoning and builder's remedy.
3. A certified copy of this Resolution and the Township's 2025 Housing Element and Fair Share Plan shall remain on file with the Township for the purpose of public inspection, and the Township Municipal Clerk is directed to upload this Resolution and the 2025 Housing Element and Fair Share Plan to the Township's website in accordance with the requirements of the FHA and Directive #14-24.
4. Notice of this action shall be published in the official newspapers for the Township of Pohatcong.
5. This Resolution shall take effect immediately.

#### **CERTIFICATION**

I, Wanda L. Kutzman, Township Clerk of the Township of Pohatcong, County of Warren, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Pohatcong Township Council on July 15, 2025.

  
Wanda L. Kutzman, RMC  
Township Clerk