

EXHIBIT 1

TOWNSHIP OF CINNAMINSON

RESOLUTION 2025 – 41

RESOLUTION ESTABLISHING CINNAMINSON TOWNSHIP'S FOURTH
ROUND AFFORDABLE HOUSING REQUIREMENTS

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 State's Fair Housing Act; and

WHEREAS, the law requires that the New Jersey Department of Community Affairs ("DCA") perform a calculation of regional need, and municipal present and prospective affordable housing needs, in accordance with the formulas established in the law; and

WHEREAS, on October 18, 2024, the DCA released its "Affordable Housing Obligations For 2025-2035 (Fourth Round)" report, establishing the Fourth Round (2025-2035) fair share methodology and calculations of low- and moderate-income housing obligations for New Jersey's 564 municipalities; and

WHEREAS, the final calculation and obligations for each municipality are presented in an Appendix at the end of the report; and

WHEREAS, the Amended Fair Housing Act provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support a lower fair share calculation; and

WHEREAS, per *P.L. 2024, c.2.* in order for Cinnaminson Township to maintain immunity from exclusionary zoning litigation, it must determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of the law by binding resolution no later than January 31, 2025; and

WHEREAS, *P.L. 2024, c.2* permits Cinnaminson Township to diverge from the DCA's calculations in determining its obligations, in case local factors exist that make the calculations unreasonable, so long as Cinnaminson Township adheres to the methodology set forth in *P.L. 2024, c.2.*; and

WHEREAS, Cinnaminson must take into consideration the calculations in the October 8, 2024 report published by the DCA to determine its obligations; and

WHEREAS, the present and prospective fair share obligations of the Cinnaminson Township were identified as follows:

- Present Need: 32 units
- Prospective Need: 93 units

WHEREAS, the Township's Planner and other Township professional staff possess actual knowledge of present conditions in Cinnaminson which were not known to the DCA officials that evaluated Cinnaminson through raw data sets and land use/land cover data reflecting land uses and coverages in 2020; and

WHEREAS, such present day conditions, history and knowledge could not be known to DCA officials that were evaluating every municipality in the State of New Jersey; and

WHEREAS, the Township professionals evaluated DCA's land capacity factor analysis and identified land in Cinnaminson that should not be included as developable; and

WHEREAS, the Planner tabulated these areas and confirmed that the developable lands in Cinnaminson should be reduced from 77.107 acres to 32.30 acres; and

WHEREAS, the Township Planner has determined that the Land Capacity Allocation Factor must be adjusted from 0.4% of the region's land capacity (based on 77.107 acres) to 0.2% of the region's land capacity (based on 32.30 acres). The land capacity was adjusted by removing the following land which was improperly included as developable land in the DCA's calculation:

- (1) Preserved land owned by the State of New Jersey, County of Burlington, Cinnaminson Township and Homeowners' Associations such as:
 - a. Open space/parkland properties with deed restrictions and/or on Recreation and Open Space Inventory (ROSI);
 - b. Properties with easements or agreements restricting development;
- (2) Lands containing utility infrastructure and/or stormwater management facilities;
- (3) Lands that have been developed, that are fully approved for development, or that are identified as inclusionary sites in the Third Round Settlement Agreement and Housing Element and Fair Share Plan; and
- (4) Areas identified as undevelopable by size, use, orientation, or some combination thereof;
- (5) Riparian Areas.

WHEREAS, in addition to reducing Cinnaminson's land capacity factor the Planner also reduced the regional total land by the same amount and per DCA's original analysis, Cinnaminson had .4% of the region's land capacity, and per the Planner's analysis, Cinnaminson has .2% of the region's land capacity; and

WHEREAS, land capacity is one of three allocation factors to be considered; and

WHEREAS, the three allocation factors (land capacity factor, nonresidential valuation factor, income capacity factor) are averaged to find the "average allocation factor", which is multiplied by the regional prospective need to get the Township's obligation; and

WHEREAS, using the DCA's land capacity analysis Cinnaminson's average allocation factor was 1.02% and with the new land capacity number, the average allocation factor is .94%; and

WHEREAS, utilizing DCA's methodology, workbook, and formula, but with the current data, reduces the Township's Round Four prospective need obligation from 93 to 86; and

WHEREAS, the Present Need number also use three proxy factors in to calculate the present need for each municipality including (a) the number of housing units lacking complete kitchen facilities, (b) the number of units lacking complete plumbing facilities and (c) the number of overcrowded units more than 50 years old that are occupied by low- and moderate-income households; and

WHEREAS, the Township's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Act; and

WHEREAS, within 48 hours of adoption of this resolution, the Municipal Clerk of Cinnaminson shall file this resolution on its official website and with the Affordable Housing Dispute Resolution Program; and

WHEREAS, pursuant to the Directive #14-24, a municipality seeking a certification in compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after the adoption of the municipal resolution of the fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township of Cinnaminson seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this Resolution in Burlington County.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of January, 2025, by the Township Committee of Township of Cinnaminson, in the County of Burlington, and the State of New Jersey that, pursuant to *P.L.2024, c.2*:

1. All of the Whereas Clauses set forth above are incorporated into the operative clauses of this resolution.
2. The Township Committee of the Township of Cinnaminson hereby accepts a Present Need obligation of 32 and a Prospective Need obligation of 86 as its Fourth Round (2025-2035) affordable housing obligation pursuant to P.L. 2024 c.2 and the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. These findings are to be documented in the Township's Housing Element and Fair Share Plan.
3. The Township Committee hereby directs its Affordable Housing Counsel to file a declaratory judgment attaching this resolution in Burlington County within 48 hours after adopting this resolution.
4. The Township reserves its right to adjust its Fourth Round Affordable Housing obligation subject to adjustments made to account for decisions of a court of competent jurisdiction, and such other adjustments as may prove to be available and appropriate in accordance with the Act and/or applicable COAH regulations. Any such adjustments will be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.
5. This resolution shall be posted on the Township's official website and with the Affordable Housing Dispute Resolution Program within 48 hours of adoption.
6. This resolution shall take effect immediately, according to law.

CINNAMINSON TOWNSHIP COMMITTEE

Certified to be a true copy of a Resolution adopted by the Cinnaminson Township Committee on the 29th day of January 2025.



Lisa A. Passione, Municipal Clerk

4931-2390-1971, v. 1

