

EXHIBIT 1

TOWNSHIP OF HAINESPORT

RESOLUTION 2025-53-1

**RESOLUTION ESTABLISHING HAINESPORT 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 Hainesport 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 Hainesport 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 Hainesport Township adheres to the methodology set forth in *P.L. 2024, c.2.*; and

WHEREAS, Hainesport 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 Hainesport Township were identified as follows:

- Present Need: -0- units
- Prospective Need: 77 units

WHEREAS, the Township's Planner and other Township professional staff possess actual knowledge of present conditions in Hainesport which were not known to the DCA officials that evaluated Hainesport 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 Planner and Administrator met with DCA officials and explained why the Township's evaluation differed from the DCA analysis; and

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

WHEREAS, the Planner tabulated these areas and confirmed that the vacant land in Hainesport should be reduced from 114.079 acres to 24.57 acres; and

WHEREAS, the Township Planner has determined that the Land Capacity Allocation Factor must be adjusted from 0.61% of the region's vacant land (based on 114.079 acres) to .13% of the region's vacant land (based on 24.57 acres). The vacant 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, Burlington County, Hainesport 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
- (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, environmental constraints, orientation, or some combination thereof.

WHEREAS, in addition to reducing Hainesport's vacant land the Planner also reduced the regional total vacant land by the same amount. Per DCA's original analysis Hainesport had .61% of the region's vacant land and per the Planner's analysis Hainesport has .13% of the region's vacant land; and

WHEREAS, vacant land 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 vacant land analysis Hainesport's average allocation factor was 0.84% and with the new vacant land number the average allocation factor is 0.68% reducing the Township’s Fourth Round prospective need obligation from 77 to 62; and

WHEREAS, utilizing the DCA’s methodology, spreadsheet and formula, but with the current data, reduces the Township’s fourth round prospective need obligation from 77 to 62; 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 Hainesport 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 obligation, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township of Hainesport 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 28th day of January, 2025, by the Township Committee of Township of Hainesport, 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 Hainesport hereby accepts a Present Need obligation of 0 and a Prospective Need obligation of 62 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.

I, Paula L. Kosko do hereby certify this to be a true copy of a resolution adopted by the Hainesport Township Committee at their regular meeting on January 28, 2025.

Paula L. Kosko, RMC, Township Clerk
Township Administrator

Committee member	Motion	Second	Yes	No	Abstain	Absent
Evans			X			
Montgomery			X			
Tordy		X	X			
Dick	X		X			
Gilmore			X			

