

RESOLUTION NO. 34-25

**RESOLUTION OF WESTAMPTON TOWNSHIP ESTABLISHING THE TOWNSHIP'S
FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT TO THE FAIR
HOUSING ACT AS CALCULATED BY THE NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS**

TOWNSHIP OF WESTAMPTON

WHEREAS, the current standards embodied in the New Jersey Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., include a methodology for the calculation of municipalities’ Fourth Round need for providing low- and moderate-income housing to residents; and

WHEREAS, the FHA has defined the prospective need to include “a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities” N.J.S.A. 52:27D-304(j); and

WHEREAS, the FHA requires that the New Jersey Department of Community Affairs (“DCA”) perform a calculation of regional need and municipal present and prospective need in accordance with the formulas established in the FHA; and

WHEREAS, the DCA performed the calculation pursuant to the FHA and on or about October 20, 2024 issued a report entitled “Affordable Housing Obligation for 2025-2035 (Fourth Round) Methodology and Background” (“Fourth Round Report”); and

WHEREAS, in the Fourth Round Report the DCA calculation indicates the Township of Westampton has a Fourth Round present need of zero (0) units and a prospective need of one-hundred-sixty-five (165) units; and

WHEREAS, the FHA provides municipalities the option to adopt the DCA’s findings of present and prospective need and thereby maintain immunity from exclusionary zoning litigation and have the municipality’s determination of present and prospective fair share need be granted a presumption of validity in any challenge initiated through the program outlines in the FHA; and

WHEREAS, the FHA established the Affordable Housing Alternative Dispute Resolution Program (“Program”) to be administered by the Administrative Office of the Courts (“AOC”) through which municipalities could retain immunity from builders remedy lawsuits and seek a Fourth Round certification of compliance; and

WHEREAS, the AOC adopted Directive #14-24 on December 13, 2024, which requires municipalities who choose to participate in the Program to file a declaratory judgment complaint with the Superior Court of New Jersey, Civil Part within forty-eight (48) hours of adoption of the municipal resolution establishing the municipalities fourth round present and prospective need pursuant to the FHA; and

WHEREAS, the Township affordable housing professionals have reviewed the DCA Fourth Round Report, assessed the calculation contained therein and recommend that the Township accept this calculation of the Fourth Round present and prospective affordable housing need attributable to Westampton Township; and

WHEREAS, the Township affordable housing professionals further believe it is in the best interest of the Township for the Township to participate in the Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Westampton Township, in the County of Burlington, and State of New Jersey, that the Township accepts the calculation of a present need of zero (0) units and a prospective need of one-hundred-sixty-five (165) units for the Fourth Round as calculated by the Department of Community Affairs; and

BE IT FURTHER RESOLVED, that Westampton Township affordable housing professionals shall take such action as is necessary to satisfy the January 31, 2025 deadline established in the FHA for the acceptance and determination of its Fourth Round affordable housing obligations in order to maintain immunity from exclusionary zoning litigation; and

BE IT FURTHER RESOLVED, that pursuant to AOC Administrative Directive #14-24, the Township Solicitor is authorized and directed to file a declaratory judgment complaint with the Superior Court of New Jersey consistent with this Resolution; and

BE IT FURTHER RESOLVED, that the Township Solicitor is authorized as directed by the Mayor, to take such further actions as are necessary to maintain the Township's compliance with the Fair Housing Act; and

BE IT FURTHER RESOLVED, that pursuant to the FHA, the Township Administrator shall publish this Resolution on the Township's publicly accessible Internet website within 48 hours of adoption; and

BE IT FURTHER RESOLVED, that the Township's affordable housing professionals shall develop a Fourth Round Housing Element and Fair Share Plan ("HEFSP") that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the Township's calculated and accepted Fourth Round present and prospective need established pursuant to this Resolution; and

BE IT FURTHER RESOLVED, that the HEFSP shall be presented to the Township Committee with sufficient time for the HEFSP to be adopted by the June 30, 2025 deadline set forth in the FHA such that the Township can maintain its immunity.

Kim Marie White

Kim-Marie White, Township Clerk

Roll Call Vote						
Committee Member	Introduced	Seconded	Yes	No	Abstain	Absent
Dr. Caldwell		X	X			
Maddox-Canteen			X			
Carr	X		X			
Mungo			X			
Mayor Henley			X			