

RESOLUTION OF THE TOWNSHIP OF HOPEWELL, COUNTY OF CUMBERLAND, COMPLYING WITH AMENDED FAIR HOUSING ACT

RESOLUTION #2025-35

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter “Amended FHA”); and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce a report of non-binding estimates of the present need obligations (also known as the rehabilitation obligation) and the Round 4 prospective need by October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Round 4 (2025-2035) obligations of the Township of Hopewell as follows: a Present Need or Rehabilitation Obligation of 31 and a Prospective Need or New Construction Obligation of 67; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize adjustments to the rehab obligation through a visual exterior survey and vacant land adjustments as well as durational adjustments to the new construction obligations; and

WHEREAS, based on the foregoing, the Township of Hopewell accepts the DCA calculations of its fair share obligations and commits to its fair share of 31 units present need and 67 unit Round 4 prospective need subject to any adjustments it may seek in accordance with COAH regulations as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

WHEREAS, in addition to setting forth its fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, for example, the New Jersey Institute of Local Government Attorneys (“NJILGA”) has expressed its support for proposed legislation (hereinafter “NJILGA Legislation”) that would reduce Hopewell’s Round 4 Prospective Need and would give the

Township “90 days from receipt of revised fair share obligations from the [DCA] to provide an amended Housing Element and Fair Share Plan addressing the new number); and

WHEREAS, Hopewell supports the NJILGA Legislation and would have the right to reduce its Round 4 obligation in the event that the Legislature enacts the Legislation; and

WHEREAS, similarly, a number of municipalities, led by the Borough of Montvale, have filed suit (MER-L-1778-24) (hereinafter “Montvale Litigation”) seeking to stay the implementation of the Amended FHA for a number of reasons and the outcome of that litigation is uncertain; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Hopewell reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Township of Hopewell finds that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later the following week; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of 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 adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township of Hopewell 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 Cumberland County.

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January, 2025, by the Township of Hopewell as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Hopewell hereby commits to the DCA Round 4 Present Need Obligation of 31 units and the Round 4 Prospective Need Obligation of 67 subject to all reservations of rights, which specifically include:

a) The right to adjust the present need (the rehabilitation obligation) based upon a visual exterior survey and the right to adjust the new construction component of the Township's obligation through a vacant land adjustment and/or a durational adjustment in accordance with COAH regulations;

b) The right to comply with the NJILGA Legislation if the Legislature enacts it;

c) The right to adjust its obligation in the event of any future legislation that adjusts the obligations the DCA reported on October 18, 2024;

c) The right to adjust its obligations based upon any ruling in the Montvale Litigation or other litigation; and


d) The right to adjust its obligations in the event of a third party challenge to the obligations of the Township of Hopewell and the Township defends itself.

3. The Township of Hopewell hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Cumberland County within 48 hours after adoption this resolution attaching this resolution.

4. The Township of Hopewell authorizes its Affordable Housing Counsel to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

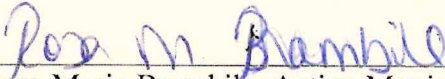
TOWNSHIP OF HOPEWELL

By: 
Robin S. Freitag

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Kelsey Bayzick			X			
Robin Freitag			X			
David Miller		X	X			
Jeff Shimp			X			
Tom Tedesco	X		X			

CERTIFICATION

I certify that this is a true copy of the within Resolution 2025-35 adopted by the Governing Body of the Township of Hopewell, County of Cumberland at the meeting held on January 23, 2025, at 6:30 p.m. at the Hopewell Township Municipal Building, 590 Shiloh Pike, Bridgeton, New Jersey.


 Rosa-Maria Brambila, Acting Municipal Clerk