

EXHIBIT A

February 6, 2025

Resolution #2025.29**RESOLUTION COMMITTING BETHLEHEM TOWNSHIP TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

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 non-binding estimates of fair share obligations on or before 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 Bethlehem Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 51 units and a Prospective Need or New Construction Obligation of 51 units; 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 biding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Bethlehem Township accepts the DCA calculations of Bethlehem Township's fair share obligations and commits to its fair share of 51 units present need and 51 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, Bethlehem Township reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke this Resolution and commitment in the event of a successful challenge to the Amended FHA in the context of the Montvale case (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Bethlehem Township 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 Committee of Bethlehem Township finds that it is in the best interest of Bethlehem 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 in the week that followed; 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 Hunterdon County Superior Court in which the municipality is located within approximately 48 hours after adoption of the municipal resolution of fair share obligations, or by February 6, 2025, whichever is sooner; and

WHEREAS, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present and/or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, Bethlehem Township seeks a certification of compliance with the FHA and, therefore, directs its Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, through Township Counsel, Michael

P. O'Grodnick, Esq. to file a declaratory relief action within approximately 48 hours of the adoption of this resolution in Hunterdon County.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of February 2025 by the Township Committee of Bethlehem Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Bethlehem Township hereby commits to the DCA Round 4 Present Need Obligation of 51 units and the Round 4 Prospective Need Obligation of 51 units described in this resolution, subject to all reservations of rights set forth above.
3. Bethlehem Township hereby directs Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, through Township Counsel, Michael P. O'Grodnick, Esq to file a declaratory judgment complaint in Hunterdon County within approximately 48 hours after adoption this resolution, attaching this resolution.
4. Bethlehem Township authorizes Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, through Township Counsel, Michael P. O'Grodnick, Esq., 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.



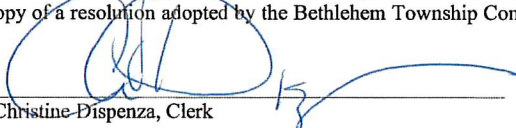
PAUL MUIR, MAYOR

ATTEST:


 Christine Dispenza, RMC/CMR
 Municipal Clerk

CERTIFICATION

I, Christine Dispenza, Clerk of Bethlehem Township, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Bethlehem Township Committee at a meeting held on February 6, 2025.



 Christine Dispenza, Clerk