

TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION # 48-25

**RESOLUTION REGARDING FAIR SHARE AFFORDABLE HOUSING  
OBLIGATIONS FOR THE FOURTH ROUND**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

**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 New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et al.*); and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

**WHEREAS**, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report"); and

**WHEREAS**, on or about November 20, 2024, DCA provided a GIS data set that was used to calculate each municipality's land capability factor in the DCA Report ("DCA Land Capability Dataset"); and

**WHEREAS**, the webpage associated with such data set (<https://njdca.maps.arcgis.com/home/item.html?id=12acdfe0a5104f8f8a2f604e96063e74>) notes:

The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. *It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to*

*provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.* (emphasis added).

**WHEREAS**, the DCA Report set the municipal obligation for the Town as follows:

Present Need: 3

Prospective Need: 54

**WHEREAS**, the Town accepts the conclusions set forth in the DCA Report, except those regarding the land capacity allocation factor applicable to the Town; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a), a municipality may determine its present and prospective fair share obligation for affordable housing consistent with the established methodologies; and

**WHEREAS**, DCA maintains that the areas the DCA identified as developable may be “overinclusive;” and

**WHEREAS**, the Town’s Professional Planner and Attorney, have determined that such data set is “overinclusive” and has prepared a spreadsheet listing all properties deemed vacant and developable by DCA, which is attached hereto as Exhibit A; and

**WHEREAS**, the data compiled by DCA to calculate the Town’s “land capacity factor” erroneously included approximately 24.58 acres as vacant and developed land as outlined in the attached spreadsheet (**Exhibit A**); and

**WHEREAS**, removing such property from the inventory of vacant land in the Town reduces the total vacant land from 24.58 acres to 0 acres and reduces the “average allocation factor” from 0.46% to 0.3833%; and

**WHEREAS**, the correction of the land capacity factor and the average allocation factor reduces the Town’s prospective affordable housing obligation from **54 to 44**; and

**WHEREAS**, N.J.S.A. 52:27D-304.1(f)(1)(b) provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of P.L. 2024, c. 2...” and

**WHEREAS**, the Town’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of P.L. 2024, c. 2; and

**WHEREAS**, the Town specifically reserves its rights to:

- a. Adjust the Town’s fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), Highlands Build Out Analysis, and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;

- b. Revoke or amend this Resolution and the Town's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
- c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third party challenge to the Town's Fourth Round Affordable Housing Obligations.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, as follows:

1. The Town of Clinton hereby determines, based on the DCA Report, corrections to the data utilized therein, and advice of the Municipal Planner and Attorney, to adopt the following obligations as its binding Fourth Round Affordable Housing Obligations:

Present Need: 3

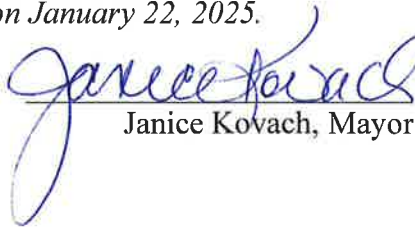
Prospective Need: 44

2. The adoption of this Resolution and the aforementioned Fourth Round Affordable Housing Obligations is subject to all reservations of rights, which specifically include, without limitation, the following:
  - a. The right to adjust the Town's fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), Highlands Build Out Analysis, and all other applicable adjustments, permitted in accordance with applicable statute, regulations or law with such adjustments to be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.;
  - b. The right to revoke or amend this Resolution and the Town's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
  - c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third party challenge to the Town's Fourth Round Affordable Housing Obligations.
3. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
  - a. Filing a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement, in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution pursuant to the requirements of P.L.2024, c.2, and AOC Directive #14-24

- b. Publishing this Resolution on the Town's website.
- 4. The Municipal Attorney, Municipal Planner, and Planning Board are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Fund Spending Plan, and effectuating ordinances and resolutions.
- 5. This Resolution shall take effect immediately.

*I hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council of the Town of Clinton at a meeting held on January 22, 2025.*

  
Cecilia Covino, Clerk

  
Janice Kovach, Mayor

DCA ObjectID	Weighted Acres	Vacant Acres	Block / Lot	Findings/Comments	Adjusted Developable Acres
35432	4.728165	4.728165	B. 18 / L. 5	The identified area is a portion of a property approved for a warehouse development pursuant to a resolution of the Land Use Board adopted on June 15, 2021. Therefore the identified area is not developable.	0
35431	15.646438	15.646438	B. 14, L. 32	development pursuant to a resolution of the Land Use Board adopted in May 2023. The project was included in the Town's Third Round Housing Element and Fair Share Plan. Therefore, the identified area is not developable.	0
35430	0.435456	0.435456	B. 14, L. 32	development pursuant to a resolution of the Land Use Board adopted in May 2023. The project was included in the Town's Third Round Housing Element and Fair Share Plan. Therefore, the identified area is not developable.	0
35429	2.413791	2.413791	B. 8, L. 3.01	The identified area is a portion of a parcel owned by the Red Mill Museum and is operated as the Red Mill Museum Village. It is not accessible by any public roadway. Quarry Road that runs alongside the area is a private unpaved roadway. It is listed on the National Register of Historic Places as "Mulligan, M. C., & Sons Quarry." ( <a href="https://npgallery.nps.gov/NRHP/GetAsset/NRHP/94001010_text">https://npgallery.nps.gov/NRHP/GetAsset/NRHP/94001010_text</a> ), Therefore, the identified area is not developable.	0
35428	1.354589	1.354589	B. 31, L. 12	The identified area is a land locked, wooded parcel that sits between single family homes in Town of Clinton and the Beaver Brook townhouse development in Annandale. A review of the Town tax maps does not show that there exists an access easement. Therefore, the identified area is not developable.	0
Total	24.578439	24.578439			0