

EXHIBIT A

**RESOLUTION NO. 2025-17
TOWNSHIP OF FRANKLIN, HUNTERDON COUNTY**

**RESOLUTION OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, ESTABLISHING THE TOWNSHIP'S PRESENT AND
PROSPECTIVE FAIR SHARE OBLIGATIONS FOR AFFORDABLE HOUSING FOR
THE FOURTH ROUND 10-YEAR PERIOD OF 2025-2035 AND AUTHORIZING THE
FILING OF A DECLARATORY JUDGMENT ACTION SEEKING A CERTIFICATE
OF COMPLIANCE IN ACCORDANCE WITH THE FAIR HOUSING ACT**

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed into law Amendments to the Fair Housing Act, N.J.S.A. 52:37D-301 et. seq., requiring the Department of Community Affairs (hereafter "DCA") to conduct a calculation of regional need and municipal present and prospective fair share obligations for affordable housing in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 beginning with the fourth 10-year round of housing obligations commencing July 1, 2025, (hereafter "Fourth Round") and to render a report with regard to the same; and

WHEREAS, the Department of Community Affairs published its report in October of 2024 (hereinafter DCA Report"); and

WHEREAS, the DCA Report calculated the Township's Fourth Round (2025-2035) fair share affordable obligation as a present need of 0 and a prospective need of 52; and

WHEREAS, the DCA Report is not binding upon the municipalities; and

WHEREAS, the Amended Fair Housing Act further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments and compliance mechanisms adopted by the Council on Affordable Housing ("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 also empower municipalities to secure vacant land adjustments, durational adjustment and other adjustments; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1), with consideration of the calculation contained in the aforesaid DCA Report, each municipality must determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 by resolution, which describes the basis for the municipality's determination and binds the municipality to adopt a housing element and fair share plan pursuant to paragraph 2 of N.J.S.A. 52:27D-304.1(3)(f); and

WHEREAS, the Township has reviewed the DCA Report titled Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background (hereafter "DCA Report"), and its supporting documents,

WHEREAS, based upon the foregoing, the Franklin Township accepts the DCA calculations of Franklin Township's fair share obligations and commits to its fair share of 0 present need units and 52 prospective need units subject to any vacant land and/or durational adjustment it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended Fair Housing Act; and

WHEREAS, this resolution satisfies the requirements of P.L. 2024, c.2 by accepting the DCA estimate of need, as described in the DCA Report; and

WHEREAS, Section 3 of the Amended Fair Housing Act 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 Township's calculation of its 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 Township is aware of certain litigation before the Courts and potential additional changes to the Fair Housing Act, and therefore reserves the right to adjust its obligation based upon any adjudication in the Courts, change in legislation, change in methodology or DCA Report, in the event of a Third-Party challenge, and commits to the within obligation numbers subject to all reservations of rights;

WHEREAS, in light of the above, the Township Committee of Franklin Township finds it is in the best interest of Franklin Township to declare its commitment to the Present Need obligation and Prospective Need Obligation reported in the DCA Report, subject to the reservations set forth herein; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certificate of compliance with the Fair Housing Act shall file an action in the form of a declaratory judgment complaint in which the municipality is located within 48 hours after adoption of this resolution in Hunterdon County.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of Franklin Township, County of Hunterdon, State of New Jersey, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1) and in conformance with the formulas set forth in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:37D-304.3, the Township Committee of Franklin Township commits to the present fair share obligation for affordable housing of 0 units and prospective fair share obligation for affordable housing of 52 units based upon the DCA

Report, for the Fourth Round, subject to all reservation of rights, including but not limited to the following:

- a. The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted;
- b. The right to comply with any future changes in legislation that changes its obligations under current law including any additional changes to the Fair Housing Act;
- c. The right to adjust the fair share obligations in the event of any future legislation that adjusts the fair share obligations as set forth in the DCA Report calculations;
- d. The right to adjust its fair share obligation based on any future adjudication by a court of competent jurisdiction; and
- e. The right to adjust its fair share obligation in the event of a Third-Party challenge to the fair share obligations and Franklin Township's response, including that its prospective need obligation should be lower than described herein;

3. The Township Attorney is hereby authorized to file a Declaratory Judgment complaint in Hunterdon County seeking a certificate of compliance as to the Township's Fourth Round Affordable Housing obligation, which action shall be filed within 48 hours of the adoption of this resolution and attaching this resolution as an exhibit.

4. A certified copy of this resolution, along with the filing date of the Declaratory Judgment action shall be submitted and/or filed with the Alternate Dispute Resolution Program or any other such entity as may be determined to be appropriate. A certified copy of the resolution shall also be posted on the municipal website.

5. The Township shall adopt a housing element and fair share plan based upon the determinations set forth in this Resolution and as may be adjusted by the Alternate Dispute Resolution Program in accordance with N.J.S.A. 52:27D-304.1(3)(f)(2) or as may be subsequently adjusted based upon the reservation of rights.

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

I, Christine Burke, Clerk of the Township of Franklin, County of Hunterdon, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Franklin Township Committee on January 28, 2025.


Christine Burke
Township Clerk

