

HAMPTON BOROUGH
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION #31-2025

**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, the DCA Report set the municipal obligation for Hampton Borough as follows:

Present Need: 0
Prospective Need: 9

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, the Borough accepts the conclusions set forth in the DCA Report; and
WHEREAS, the Borough’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 Borough specifically reserves its rights to:

- a. Adjust the Borough's fair share obligations based on a Highlands Build-Out Analysis, Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;
- b. Revoke or amend this Resolution and the Borough'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 Borough's Fourth Round Affordable Housing Obligations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Hampton Borough, Hunterdon County, New Jersey, as follows:

1. Hampton Borough hereby determines, based on the DCA Report and advice of the Municipal Planner and Attorney, to adopt the following obligations as its binding Fourth Round Affordable Housing Obligations:

Present Need: 0

Prospective Need: 9


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 Borough's fair share obligations based on a Highlands Build-Out Analysis, Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or 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 Borough'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 Borough's Fourth

Round Affordable Housing Obligations.

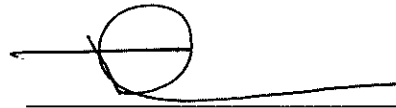
3. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
 - a. Filing a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement, in the appropriate venue with the Program or any other such 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 Borough'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.

Adopted: January 27, 2025

Attest:



Linda Leidner, RMC
Borough Clerk



Todd Shaner, Mayor

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council of Hampton Borough at a meeting held on January 27, 2025.



Linda Leidner, Clerk