

THE BOROUGH OF MILFORD
RESOLUTION NO. RE2025-029

Tuesday, January 28, 2025

**RESOLUTION OF THE BOROUGH OF MILFORD COMMON
COUNCIL COMMITTING TO FOURTH ROUND
AFFORDABLE HOUSING OBLIGATIONS.**

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 calculations of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued such report on October 18, 2024 (“DCA Report”) wherein it reported its non-binding calculations of the obligations for all municipalities; and

WHEREAS, the DCA Report calculates Borough of Milford’s Round 4 (2025-2035) obligations as follows: a fair share present need obligation of Three (3) units; and a fair share prospective need obligation of Twenty-three (23) units; and

WHEREAS, while the Amended FHA provides that the DCA Report is non-binding, it requires each municipality to consider the calculated numbers contained in the DCA Report and to adopt a resolution in which it determines its present need and prospective need fair share obligations in accordance with the formula established in the Amended FHA and in which it commits to have adopted a Housing Plan element and Fair Share Plan element (“HPFSP”) of the municipal Master Plan; and

WHEREAS, in addition to the above, the Administrative Office of the Courts (“AOC”) 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 (the equivalent of a judgement of compliance and repose) with the Amended FHA shall file Declaratory Judgment action in the county in which the municipality is located within 48 hours after adoption of the resolution referenced above, with said resolution attached to the Declaratory Judgment complaint, or by February 3, 2025, whichever is sooner,” and to have the resolution referenced above submitted to the Affordable Housing Dispute Resolution Program (the “Program”) which was established in the judiciary, 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”; and

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

WHEREAS, Borough of Milford reserves the right to employ such as other adjustments as provided by law and to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Borough of Milford also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (bearing Docket No. MER-L-1778-24) or any other such action 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, Borough of Milford 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, based on the foregoing, Borough of Milford accepts the DCA calculations of Borough of Milford's fair share obligations and determines that its fair share present need obligation is 3 units and its fair share prospective need obligation is 23 units, and it commits to have adopted a HPFSP to implement its fair share affordable housing obligations, subject to any adjustments it may seek; and

WHEREAS, the Borough of Milford seeks a certification of compliance with the Amended FHA and, therefore, directs Jonathan E. Drill, Esq., the Borough's Affordable Housing Counsel, to file a declaratory judgment action within 48 hours of the adoption of this Resolution in Hunterdon County and to attach a copy of this Resolution to the declaratory judgment complaint.

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

1. The Borough of Milford hereby determines that its Round 4 fair share present need obligation is 3 units and its Round 4 fair share prospective need obligation is 23 units as described in this Resolution, subject to all reservations of rights set forth above; and

2. The Borough of Milford hereby directs Jonathan E. Drill, Esq., the Borough's Affordable Housing Counsel, to file a declaratory judgment complaint in Hunterdon County within 48 hours after adoption this Resolution, attaching this Resolution; and

3. Borough of Milford authorizes Jonathan E. Drill, Esq., the Borough's 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; and

4. This Resolution shall take effect immediately, according to law.

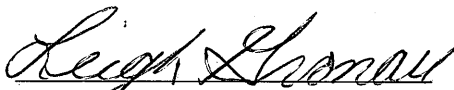
NOW, WHEREFORE BE IT HEREBY FURTHER RESOLVED by the **MILFORD BOROUGH COMMON COUNCIL** that all aforementioned recitals are incorporated herein as though fully set forth at length.

This being submitted at the Council meeting held on Monday, January 27, 2025.



Henri Schepens, Mayor


Attest:



Leigh Gronau, RMC
Municipal Clerk

CERTIFICATION

I, Leigh Gronau, Borough Clerk of the Milford Borough, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted at a meeting held on Monday, January 27, 2025



Leigh Gronau, RMC
Milford Borough Clerk

ROLL CALL VOTE

| Council Member | Motion | Second | Aye | Nay | Abstain | Absent |
|------------------|--------|--------|-----|-----|---------|--------|
| James Gallos | | Z | X | | | |
| Noralie LaFevre | / | | X | | | |
| Helen Livingston | | | X | | | |
| Alex Peredjogin | | | X | | | |
| Douglas Sloyer | | | X | | | |
| Elisa Yager | | | X | | | |
| Henri Schepens** | | | | | | |

| Municipality | County | Region | Present | Qualified | Equitized | Land | Income | Average | Prospective | 1,000/ | Prospective |
|-----------------------|-----------|--------|---------|--------------|-----------|----------|----------|------------|-------------|---------|---------------|
| | | | Need | Urban/Air | Factor | Capacity | Capacity | Allocation | Need | 20% Cap | Need with |
| | | | | Municipality | | Factor | Factor | Factor | | | 1,000/20% Cap |
| Bloomersburg borough | Hunterdon | 3 | 0 | No | 0.05% | 0.10% | 0.32% | 0.13% | 15 | 6% | 15 |
| Carlton borough | Hunterdon | 3 | 0 | No | 0.09% | 0.09% | 0.56% | 0.20% | 23 | 01 | 23 |
| Clinton town | Hunterdon | 3 | 3 | No | 0.15% | 0.24% | 1.01% | 0.46% | 54 | 223 | 54 |
| Clinton township | Hunterdon | 3 | 0 | No | 0.36% | 2.24% | 1.89% | 1.50% | 174 | 832 | 174 |
| Delaware township | Hunterdon | 3 | 0 | No | 0.08% | 0.03% | 1.49% | 0.52% | 60 | 339 | 60 |
| East Ayrwell township | Hunterdon | 3 | 4 | No | 0.28% | 0.03% | 0.85% | 0.39% | 44 | 310 | 44 |
| Hemlock borough | Hunterdon | 3 | 74 | No | 0.23% | 0.02% | 0.40% | 0.22% | 25 | 371 | 25 |
| Franklin township | Hunterdon | 3 | 0 | No | 0.04% | 0.11% | 1.19% | 0.44% | 52 | 234 | 52 |
| Franklin borough | Hunterdon | 3 | 11 | No | 0.07% | 0.09% | 0.49% | 0.19% | 22 | 126 | 22 |
| Hampton borough | Hunterdon | 3 | 10 | No | 0.01% | 0.00% | 0.27% | 0.09% | 11 | 157 | 11 |
| High Bridge borough | Hunterdon | 3 | 4 | No | 0.09% | 0.12% | 0.64% | 0.28% | 33 | 285 | 33 |
| Heiland township | Hunterdon | 3 | 0 | No | -0.01% | 0.27% | 0.95% | 0.34% | 43 | 420 | 43 |
| Kingwood township | Hunterdon | 3 | 20 | No | 0.12% | 0.03% | 1.19% | 0.44% | 50 | 286 | 50 |
| Lambertville city | Hunterdon | 3 | 0 | No | 0.37% | 0.03% | 0.65% | 0.34% | 39 | 419 | 39 |
| Lucas township | Hunterdon | 3 | 7 | No | 0.16% | 0.05% | 0.69% | 0.27% | 31 | 359 | 31 |
| Milford borough | Hunterdon | 3 | 0 | No | 0.10% | 0.00% | 1.09% | 0.40% | 46 | 474 | 46 |
| Rainier township | Hunterdon | 3 | 3 | No | -0.03% | 0.25% | 0.37% | 0.20% | 23 | 105 | 23 |
| Readington township | Hunterdon | 3 | 44 | No | 2.72% | 3.38% | 2.59% | 2.90% | 336 | 1,000 | 336 |
| Stockton borough | Hunterdon | 3 | 45 | No | 0.67% | 12.10% | 1.49% | 4.84% | 561 | 1,000 | 561 |
| Trafford township | Hunterdon | 3 | 0 | No | 0.30% | 0.00% | 0.49% | 0.17% | 20 | 47 | 20 |
| Union township | Hunterdon | 3 | 0 | No | 0.13% | 0.13% | 1.74% | 0.65% | 76 | 437 | 76 |
| West Ayrwell township | Hunterdon | 3 | 0 | No | 0.14% | 2.01% | 0.69% | 1.01% | 118 | 388 | 118 |
| East Ayrwell township | Hunterdon | 3 | 0 | No | 0.12% | 0.00% | 0.50% | 0.34% | 39 | 229 | 39 |
| East Ayrwell township | Hunterdon | 4 | 166 | No | 2.26% | 4.29% | 1.42% | 2.86% | 369 | 1,000 | 368 |
| Lawton township | Hunterdon | 4 | 99 | No | 2.93% | 2.93% | 1.06% | 2.31% | 319 | 1,000 | 319 |

Fair Share Housing Obligations for 2025-2035 (fourth round) Methodology and Background