

Exhibit 1

THE TOWNSHIP OF EWING
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A RESOLUTION OF THE TOWNSHIP OF EWING CONFIRMING THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS PURSUANT TO P.L. 2024, c. 2 AND FAIR SHARE HOUSING ACT, N.J.S.A. 52:27D-302

Resolution #25R-38 WHEREAS, on March 20, 2024, Governor Murphy signed *P.L. 2024, c.2.* into law, amending the Fair Housing Act (hereinafter “Amended FHA”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine; and

WHEREAS, the Amended FHA requires that the New Jersey Department of Community Affairs (“DCA”) perform a calculation of regional need, and municipal present and prospective affordable housing needs, in accordance with the formulas established in the law; and

WHEREAS, on October 18, 2024, the DCA released its “Affordable Housing Obligations For 2025-2035 (Fourth Round)” report (“DCA Report”), establishing the Fourth Round (2025-2035) fair share methodology and estimating non-binding calculations of low- and moderate-income housing obligations for New Jersey’s 564 municipalities; and

WHEREAS, the calculation and obligations for each municipality are presented in an Appendix at the end of the report; and

WHEREAS, the DCA report calculates the Township of Ewing’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 99 units and a Prospective Need or New Construction Obligation for Round 4 of 319 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 a lower fair share calculation; and

WHEREAS, *P.L. 2024, c.2* further permits the Township of Ewing to diverge from the DCA's calculations in determining its obligations, in case local factors exist that make the calculations unreasonable, so long as the Township of Ewing adheres to the methodology set forth in *P.L. 2024, c.2*; and

WHEREAS, per *P.L. 2024, c.2*, in order for Township of Ewing to maintain immunity from exclusionary zoning litigation, it must determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of the law by binding resolution no later than January 31, 2025; and

WHEREAS, based on a review of the DCA Report and findings made by the Township Affordable Housing Planner, Chuck Latini, PP, AICP, of L&G Planning, LLC (the "Township Planner"), it is recommended that the Township Council adopt a binding resolution accepting the Present Need obligation of 99 units; and

WHEREAS, based on a review of the DCA Report and findings made by the Township Planner, it is recommended that the Township Council adopt a binding resolution determining an adjusted municipal Prospective Need obligation of 201 units, based on a recalculation of the Land Capacity Allocation Factor to account for DCA's methodological limitations; and

WHEREAS, the Township Planner has reviewed the Land Capacity Allocation Factor and has adjusted same from 331.4 developable acres to 40.7 developable acres, by removing the following land which was included as developable land in the DCA's calculation:

- (1) Land encumbered by environmental restrictions, such as wetland and flood plain;
- (2) Properties such as NJDOT, DOC, and State Police-owned parcels in operation;
- (3) Preserved land such as:
 - a. Open space/parkland properties with deed restrictions and/or on Recreation and Open Space Inventory (ROSI);
 - b. State Farmland or Open Space Preservation;
- (4) County-owned flight hazard areas as part of the Trenton Mercer Airport;

WHEREAS, upon updating and correcting the Land Capacity Allocation Factor, the Township's Prospective Need is 201 units, based on the approved Fourth Round Methodology; and

WHEREAS, the Amended FHA 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 the Act"; and

WHEREAS, the Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Act; and

WHEREAS, within 48 hours of adoption of this resolution, the Clerk of the Township of Ewing shall file this resolution on its official website and with the Affordable Housing Dispute Resolution Program; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Courts issued Directive #14-24, dated December 13, 2024; and

WHEREAS, pursuant to the Directive #14-24, a municipality seeking a certification in compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after the adoption of the municipal resolution of the fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township of Ewing seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Mercer County.

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, 2025, by the Township Council of the Township of Ewing in the County of Mercer, and the State of New Jersey that, pursuant to *P.L.2024, c.2*:

1. All of the Whereas Clauses set forth above are incorporated into the operative clauses of this resolution.
2. The Township Council of the Township of Ewing hereby accepts a Present Need obligation of 99 units and a Prospective Need obligation of 201 units as its Fourth Round (2025-2035) affordable housing obligation pursuant to P.L. 2024 c.2 and the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. These findings are to be documented in the Township of Ewing’s housing element and fair share plan.
3. The Township Council of the Township of Ewing hereby directs its Affordable Housing Counsel to file a declaratory judgment attaching this resolution in Mercer County within 48 hours after adopting this resolution.
4. The Township of Ewing reserves its right to adjust its Fourth Round Affordable Housing obligation subject to any vacant land adjustments and other amendments as may be provided for by law.

5. This resolution shall be posted on the Township's official website and with the Affordable Housing Dispute Resolution Program within 48 hours of adoption.
6. This resolution shall take effect immediately, according to law.

IT IS SO RESOLVED.

Certification:

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regular Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 28th day of January 2025.





Kim J. Macellaro, CMC
Municipal Clerk