

**CRANBURY TOWNSHIP RESOLUTION # R 01-25-023**

**TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX,  
RESOLUTION COMMITTING TO DCA'S FOURTH ROUND  
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED  
NUMBERS**

**WHEREAS**, on March 20, 2024, P.L. 2024, c.2, was signed into law which amended the Fair Housing Act at 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 estimates of fair share obligations on or before October 20, 2024; and

**WHEREAS**, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimates of the obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the Township of Cranbury's Fourth Round - (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of zero (0) and a Prospective Need or New Construction Obligation of 265 (reduced from 314 by virtue of a 20% cap as reflected in the DCA Report); and

**WHEREAS**, the Amended FHA 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" (N.J.S.A. 52:27D-311(m)); and

**WHEREAS**, COAH regulations and the Amended FHA authorize a 20% cap, vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Township of Cranbury accepts the DCA calculations of the Township of Cranbury's fair share obligations and commits to its fair share of zero (0) units present need and 265 units prospective need (reduced from 314 units by virtue of a 20% cap as reflected in the DCA Report) subject to any credits, vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Township of Cranbury reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, in the event that the FHA is further amended or any rulings or legal precedents arise after the adoption of this Resolution, the Township of Cranbury reserves the right to adjust its position in response to and in light of same, particularly if such a change alters the deadlines and/or requirements placed upon the Township pursuant to the Amended FHA; and

**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Cranbury reserves the right to take such position as it deems appropriate in response thereto; and

**WHEREAS**, in light of the above, the Township Committee of the Township of Cranbury finds that it is in the best interest of the Township of Cranbury to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

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

**WHEREAS**, pursuant to Directive #14-24, “a municipality seeking a certification of 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 adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

**WHEREAS**, the Township of Cranbury seeks a certification of compliance with the Amended FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory judgment complaint and associated pleadings within 48 hours of the adoption of this resolution in the Superior Court of New Jersey - Middlesex County.

**NOW, THEREFORE, BE IT RESOLVED** on this 27th day of January, 2025 by the Township Committee of the Township of Cranbury as follows:

1. All of the above Whereas clauses are incorporated into the operative clauses of this resolution.
2. The Township of Cranbury hereby commits to the DCA Fourth Round Present Need Obligation of zero (0) units and the Fourth Round Prospective Need Obligation of 265 units (reduced from 314 units by virtue of a 20% cap as reflected in the DCA Report) described in this resolution, subject to all reservations of rights set forth above.
3. The Township of Cranbury hereby authorizes and directs its Affordable Housing Counsel to file a declaratory judgment complaint in the Superior Court of New Jersey - Middlesex County within 48 hours after adoption of this resolution.
4. In accordance with the Amended FHA and Directive #14-24, the Township of Cranbury authorizes its Affordable Housing Counsel to attach a copy of 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.
5. The Township of Cranbury hereby directs its Township Administrator and/or Township Clerk to publish this resolution on the Township’s website within 48 hours after adoption of this resolution, attaching this resolution.

6. The Township of Cranbury shall undertake all acts necessary to adopt a housing element and fair share plan to address its present and prospective need obligations as provided for by the Amended FHA, for filing by June 30, 2025 as part of the declaratory judgment action authorized herein.

7. The Township Mayor, Administrator, Clerk, Attorneys, Planners, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all such other documents and undertake any and all such further acts as may be necessary or required to effectuate the actions set forth herein.

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

**CERTIFICATION:**

I, Debra A. Rubin, RMC/CMR, Municipal Clerk of the Township of Cranbury, County of Middlesex, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Committee at a meeting held on January 27, 2025.



Debra A. Rubin, RMC/CMR,  
Municipal Clerk

