

EXHIBIT A



**BOROUGH OF MILLTOWN
RESOLUTION 2025-91**



**Accepting DCA's Fourth Round Affordable Housing Present Need
and Prospective Need Numbers for the Borough of Milltown**

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 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 estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Milltown's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 13 and a Prospective Need or New Construction Obligation of 51; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; 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 biding court decisions" (N.J.S.A. 52:27D-311(m)); and

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

WHEREAS, based on the foregoing, the Borough of Milltown accepts the DCA calculations of its fair share obligations and commits to its fair share of 13 units present need and 51 units prospective need subject to any 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 Borough of Milltown reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough of Milltown also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and



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WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Milltown 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, in light of the above, the Mayor and Council of the Borough of Milltown find that it is in the best interest of the Borough 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 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 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 Borough of Milltown seeks a certification of compliance with the FHA and, therefore, directs its affordable housing counsel Donna M. Jennings, Esq. of Wilentz, Goldman & Spitzer, P. A. to file a declaratory relief action within 48 hours of the adoption of this resolution in Middlesex County.

NOW, THEREFORE, BE IT RESOLVED on this 21 day of January, 2025 by the Mayor and Council of the Borough of Milltown as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Milltown hereby commits to the DCA Round 4 Present Need Obligation of 13 units and the Round 4 Prospective Need Obligation of 51 units described in this resolution, subject to all reservations of rights set forth above.
3. The Borough of Milltown hereby directs its affordable housing counsel Donna M. Jennings, Esq. of Wilentz, Goldman & Spitzer, P. A. to file a declaratory judgment complaint in Middlesex County within 48 hours after adoption this resolution, attaching this resolution.
4. The Borough of Milltown authorizes its affordable housing counsel Donna M. Jennings, Esq. of Wilentz, Goldman & Spitzer, P. A. 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.



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

ROLL CALL VOTE	Motion	Second	Aye	Nay	Abstain	Absent
Council President Zambrana		X	X			
Councilman Collins			X			
Councilman Manco			X			
Councilwoman Payne			X			
Councilman Posnansky			X			
Councilman Potter	X		X			

I certify that the foregoing is a true and correct abstract of a Resolution adopted by the Borough Council of the Borough of Milltown, County of Middlesex, State of New Jersey, at a meeting held on January 21, 2025.

Monica Orlando
Monica Orlando RMC