

## TOWNSHIP OF HAMPTON

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Diana Juarez, RMC, CMR  
Township Clerk/Administrator

### HAMPTON TOWNSHIP RESOLUTION #R2025-19

#### RESOLUTION ACCEPTING FOURTH ROUND AFFORDABLE HOUSING CALCULATIONS

**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.l(f)(l)(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 N.J.S.A. 52:27D-311(m), "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing ("COAH") unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions"; and

**WHEREAS**, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey and also empower municipalities to secure vacant land adjustments, durational adjustments, and other adjustments; 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 forty-eight (48) hours of adopting the municipal resolution of fair share obligations; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.l(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 calculates Hampton Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 81; and

**WHEREAS**, Hampton Township 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 litigation or legislative action that alters the deadlines and/or requirements of the New Jersey Fair Housing Act; and

**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, Hampton Township 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

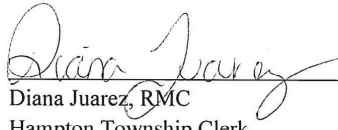
**WHEREAS**, Hampton Township seeks a certification of compliance with the FHA and, therefore, directs its Municipal Attorney and Special Counsel to file a declaratory relief action within forty-eight (48) hours of the adoption of this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hampton, Sussex County, New Jersey, as follows:

1. All the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Hampton Township hereby determines, based on the DCA Report and advice of the Municipal Planner, to adopt the obligations set forth in the DCA Report as its binding Fourth Round Affordable Housing Obligations subject to adjustments made to account for decisions of a court of competent jurisdiction, lack of availability of public water or sewer infrastructure or capacity (i.e. a durational adjustment), lack of vacant land, or a Highlands build-out analysis. Any such adjustments will be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.
3. The Municipal Clerk, Municipal Attorney and Special Counsel are authorized to take all actions required by N.J.S.A. 52:27D-304.l(f)(1)(b), including:
  - a. Filing a declaratory judgement action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight (48) hours following adoption of this Resolution.
  - b. Publishing this Resolution on the Township's website.
4. The Municipal Attorney, Municipal Planner, Special Counsel and Affordable Housing Subcommittee 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 Spending Plan, and effectuating ordinances and resolutions.
5. This Resolution shall take effect immediately.

#### **CERTIFICATION**

I hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Township Committee of the Township of Hampton, Sussex County, New Jersey, at its regular meeting held on January 28, 2025.

  
Diana Juarez, RMC  
Hampton Township Clerk