

RESOLUTION

**COMMITTING THE TOWNSHIP OF POHATCONG, COUNTY
OF WARREN,
TO COMPLY WITH 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 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 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 for of 65; and

WHEREAS, based on the foregoing, Pohatcong Township (the “Township”) accepts the DCA calculations of the Township’s affordable housing obligations and commits to its fair share of 0 units present need and 65 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 FHS; and

WHEREAS, the Township reserves the right to comply with any additional amendments to the FHS that the Legislature may enact; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the 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, in light of the above, the Mayor and Township Committee find that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, the Township seeks a certification of compliance with the FHA and, therefore, directs its Township Attorney, Kevin P. Benbrook, Esq., to file a declaratory relief action within 48 hours of the adoption of this resolution in Somerset County.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

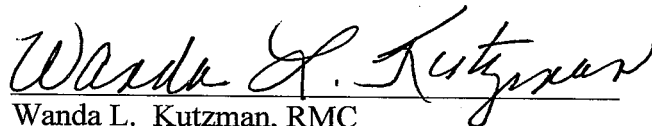
2. The Township hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 65 units described in this resolution subject to all reservations of rights set forth above

3. The Township hereby directs its Township Attorney, Kevin P. Benbrook, Esq., to file a declaratory judgment complaint within 48 hours after adoption of this resolution.

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

CERTIFICATION

I, Wanda Kutzman, Clerk of the Township of Pohatcong, County of Warren, do hereby certify that the foregoing is a true and exact copy of the Resolution adopted by the Pohatcong Township Council on January 21, 2025.


Wanda L. Kutzman, RMC
Township Clerk