

RESOLUTION NO. 2025-38

TOWNSHIP OF ABERDEEN

RESOLUTION OF THE TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, ADOPTING THE TOWNSHIP'S PRESENT NEED AND PROSPECTIVE NEED FOR THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on March 20, 2024, Governor Murphy signed into law Bill A4/S50, codified as P.L. 2024, c.2, which amends the New Jersey Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301, et seq.) and other related housing laws (the "**Amended FHA**"); and

WHEREAS, pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing ("**Fair Share Obligation**") during the 10-year period beginning on July 1, 2025 (the "**Fourth Round**"); and

WHEREAS, pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality's determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

WHEREAS, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the "**Program**"), explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, on October 18, 2024, the New Jersey Department of Community Affairs (the "**DCA**") published a report with an estimate of the fair share affordable housing obligations of all municipalities (the "**DCA Report**"), which, pursuant to the Amended FHA, may be taken into consideration by a municipality but shall not be binding on a municipality when calculating a municipality's respective Fair Share Obligation; and

WHEREAS, the DCA Report calculates the Fourth Round obligations of the Township of Aberdeen (the "**Township**") as follows: a Present Need obligation of zero (0) units and a Prospective Need obligation of 101 units/credits; and

WHEREAS, the Township Council of the Township of Aberdeen (the "**Township Council**") has received the findings of the Township's planners, who reviewed the DCA Report and determined that a recalculation of the Land Capacity Allocation Factor was necessary in order to account for land use data errors in the DCA's calculation shown in attached **Exhibit A**; and

WHEREAS, after excluding lands that were inaccurately determined by the DCA to be "developable land," the Township's planners calculated that the Township's prospective need obligation should be reduced by two (2) units from DCA's initial calculations; and

WHEREAS, based upon these findings, the Township Council adopts a Fair Share Obligation for the Fourth Round consisting of a Present Need obligation of zero (0) units and a Prospective Need obligation of ninety-nine (99) credits/units; and

WHEREAS, in accordance with the Amended FHA, the Township reserves its right to take a vacant land adjustment, as well as any applicable durational adjustments, which may result in a reduction to the new construction portion of its Fair Share Obligation; and

WHEREAS, the Township reserves its right to revise its Fair Share Obligation in the event that a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Township; and

WHEREAS, the Amended FHA requires municipalities to satisfy various administrative and procedural requirements in connection with the adoption of a municipality's Fair Share Obligation, including but not limited to the publication of this Resolution to the Township's publicly accessible Internet website and the filing of an action with the Program through the Judiciary's electronic filing systems, within forty-eight (48) hours of the adoption of this Resolution; and

WHEREAS, the Township Council directs the Township Clerk to satisfy all required notice and publications requirements, and authorizes the Township and its professionals to take all actions required to file the necessary action with the Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that the:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Township of Aberdeen's Fair Share Obligation for the Fourth Round of affordable housing obligations consists of a Present Need obligation of zero (0) units and a Prospective Need obligation of ninety-nine (99) credits/units.
3. The Township reserves its right to take a vacant land adjustment, as well as any durational adjustments, which may result in a reduction to the new construction portion of its Fair Share Obligation.
4. The Township reserves its right to revise its Fair Share Obligation in the event that a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Township.
5. The Municipal Clerk is directed to forward a copy of this Resolution to the Department of Community Affairs and to publish a copy to the Township's publicly accessible Internet website within forty-eight (48) hours of the adoption of this Resolution.

6. The Township's legal counsel is hereby directed to file an action with the Affordable Housing Alternative Dispute Resolution Program regarding this Resolution in compliance with the Amended FHA, and the Mayor and Township Clerk are authorized to execute any and all documents required for said purpose.
7. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

ROLL CALL VOTE:

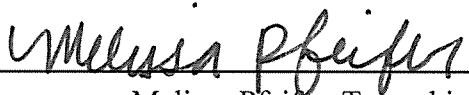
Ayes: Councilmembers Cannon, Hirsch, Kelley, Martucci, Swindle, Deputy Mayor Montone,
Mayor Tagliarini

Nays: None

Abstain: None

Absent: None

I hereby certify the foregoing to be a true copy of a Resolution
adopted by the Township Council of the
Township of Aberdeen on January 16, 2025



Melissa Pfeifer, Township Clerk

