

**RESOLUTION NO. 2025-57**

**TOWNSHIP OF ABERDEEN**

**RESOLUTION OF THE TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, ENDORSING A FOURTH ROUND MEDIATION SETTLEMENT CONCERNING THE TOWNSHIP'S FAIR SHARE OBLIGATION FOR THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS (2025-2035)**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law 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. (the "**Amended Act**"); and

**WHEREAS**, pursuant to the Amended Act, municipalities were authorized 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**") for the ten (10) year period beginning on July 1, 2025 (the "**Fourth Round**"); and

**WHEREAS**, pursuant to the Amended Act, should a municipality determine its Fair Share Obligation and submit said determination to the Affordable Housing Dispute Resolution Program (the "**Program**") by January 31, 2025, the municipality's determination would be established by default and bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

**WHEREAS**, the Township of Aberdeen (the "**Township**") adopted a Resolution on January 16, 2025, setting forth a Fair Share Obligation for the Fourth Round, which consisted of a Present Need obligation of 0 units and a Prospective Need obligation of 99 units; and

**WHEREAS**, pursuant to the Amended Act, the Township filed its duly adopted Resolution with the Program on January 17, 2025; and

**WHEREAS**, a challenge to the Township's determination was filed by the New Jersey Builders Association (the "**NJBA**") on February 27, 2025, contending that the Township's obligation should mirror the non-binding estimate set forth by the New Jersey Department of Community Affairs in its report dated October 18, 2024; and

**WHEREAS**, pursuant to Directive No. 14-24, which promulgated the Program's rules and procedures, a Settlement Conference was scheduled between the parties, and a Special Adjudicator was assigned to review the parties' respective filings and assist the retired judge assigned to reach a determination as to the Township's obligation; and

**WHEREAS**, the Township and the NJBA have conferred and reached a settlement, subject to governing body approval, that establishes a Present Need obligation of 0 units and Prospective Need obligation of 100 units, thus resolving the NJBA's challenge without subjecting either party to further adjudication within the Program or before the Court, and without either party admitting to the validity of the other's claims; and

**WHEREAS**, the Township’s legal counsel and officials have negotiated the Mediation Agreement attached hereto as Exhibit A, which sets forth the terms of said settlement; and

**WHEREAS**, in accordance with N.J.S.A. 52:27D-311(m) of the Amended Act, the Township shall continue to retain all right to take a vacant land adjustment, or any other applicable adjustments, as part of the process of prepared a Fourth Round Housing Element and Fair Share Plan, which may result in a reduction to its Fair Share Obligation; and

**WHEREAS**, if endorsed, the Mediation Agreement shall be submitted to the Program for entry of an Order by the Court setting forth the Township’s fair share obligation in conformance with the settlement.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Aberdeen (the “Township Council”) as follows:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Township Council endorses the settlement reached with Challenger, New Jersey Builders Association, which provides for a Present Need obligation of 0 units and a Prospective Need obligation of 100 units for the Fourth Round period (2025-2035) of affordable housing obligations.
3. The Mayor, Township Clerk, and Township Attorney are authorized to execute those documents required to formalize said settlement and submit any required documents to the Program and/or Courts recognizing said settlement.
4. This Resolution shall take effect immediately.

**SO RESOLVED**, as aforesaid.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

Absent: Councilman Cannon

I hereby certify the foregoing to be a true copy of a  
Resolution adopted by the Township Council of the  
Township of Aberdeen on April 17, 2025

Melissa Pfeifer

\_\_\_\_\_  
Melissa Pfeifer, Township Clerk

