

RESOLUTION NO. 2025-74

RESOLUTION OF ABERDEEN TOWNSHIP, COUNTY OF MONMOUTH, ENDORSING THE FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN OF ABERDEEN TOWNSHIP'S MASTER PLAN AND AUTHORIZING THE SUBMISSION OF SAID PLAN TO THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

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 FHA**"); and

WHEREAS, pursuant to the Amended FHA, municipalities were authorized to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation 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 FHA, 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, pursuant to the Amended FHA, once a municipality's Fourth Round Obligation is finalized, the municipality shall adopt a Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, the Aberdeen Township (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 (Rehabilitation) obligation of zero (0) units and a Prospective Need obligation of ninety-nine (99) units; and

WHEREAS, in accordance with N.J.S.A. 52:27D-311(m) of the Amended FHA, the Township retained all rights and privileges in the preparation of a Housing Element and Fair Share Plan, including, the development and implementation of a vacant land adjustment, or any other applicable adjustment to the Township's Prospective Need obligation; and

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

WHEREAS, the filing of said Resolution gave the Township automatic, continued immunity from all inclusionary lawsuits, including Builder's Remedy Lawsuits, which is still in full force and effect; and

WHEREAS, a challenge to the Township’s determination was filed by the New Jersey Builders’ Association (the “**NJBA**”), contending that the Township’s Prospective Need 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 at said Settlement Conference, a settlement was reached between the Township and NJBA; and

WHEREAS, consisting with said settlement, the Court issued an Order establishing the Township’s Fourth Round Present Need (Rehabilitation) obligation as zero (0) affordable housing units and the Fourth Round Prospective Need obligation as one hundred (100) units; and

WHEREAS, now that the Township has had its Fourth Round Obligation established, the Amended FHA requires that the Township adopt a Fourth Round Housing and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Township’s Affordable Housing Planner drafted the Housing Plan Element & Fair Share Plan – Fourth Round, dated June 4, 2025 (the “**HEFSP**”), which was adopted by the Township’s Planning Board on June 18, 2025; and

WHEREAS, the Township Council wishes to endorse the HEFSP and to authorize the submission of the HEFSP to the Program by June 30, 2025, in order to retain the Township’s immunity from exclusionary zoning litigation; and

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 hereby endorses the Round Four Housing Element and Fair Share Plan of the Township of Aberdeen’s Master Plan, which shall be submitted to the Program by June 30, 2025.
3. The Mayor, Township Clerk, and Township’s legal counsel are authorized to take all action necessary to submit the HEFSP and any supporting materials to the Affordable Housing Dispute Resolution Program.
4. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

Absent: Mayor Tagliarini

I hereby certify the foregoing to be a true copy of a
Resolution adopted by the Township Council of
the Township of Aberdeen on June 26, 2025

Melissa Pfeifer, Township Clerk