

**TOWNSHIP OF OLD BRIDGE
COUNTY OF MIDDLESEX, NEW JERSEY
RESOLUTION NO. 25-66**

**RESOLUTION ESTABLISHING THE FOURTH ROUND AFFORDABLE HOUSING
PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS FOR THE TOWNSHIP
OF OLD BRIDGE**

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 Amended FHA requires the New Jersey Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations for municipalities throughout the State on or before October 20, 2024; 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 calculated the Township of Old Bridge's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 318 units and a Prospective Need Obligation of 685 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support modified or corrected calculations of the Round 4 affordable housing obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor and shall be averaged to yield the municipality's average allocation factor, and

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

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for the Amended FHA containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the Township of Old Bridge and its professionals have reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based on the foregoing, Old Bridge Township relies on the DCA calculations of Old Bridge Township's fair share obligations as modified herein to account for the Township's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the attached memo prepared by the Township's affordable housing professional planner, and Old Bridge Township seeks to commit to provide its fair share of 318 units present need and 325 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 FHA; and

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

WHEREAS, Old Bridge Township also reserves the right to adjust its position in the event of any rulings issued by New Jersey Superior Courts, or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Old Bridge Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

WHEREAS, in light of the above, the Township Council of the Township of Old Bridge finds that it is in the best interest of the Township to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the Township Council of the Township of Old Bridge finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Township to direct the filing of an action in the form of a declaratory judgment complaint within forty-eight (48) hours after adoption of this Resolution, or by February 3, 2025, whichever is sooner;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, as follows:

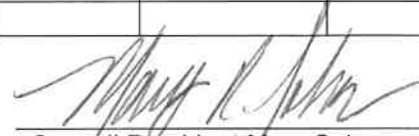
1. All of the above WHEREAS clauses are incorporated into the operative clauses of this Resolution.
2. Old Bridge Township hereby commits to a Round 4 Present Need Obligation of 318 units, and a Round 4 Prospective Need Obligation of 325 units, modified from the DCA's calculations as explained above and in memorandum/report from the Township's affordable housing professional planner attached hereto, and subject to all reservations of rights set forth above.
3. The Township Special Affordable Counsel, and other appropriate Township officials are hereby authorized and directed to take all actions necessary to comply with the requirements of the Amended FHA, including the filing of a declaratory judgment complaint in Middlesex County within forty-eight (48) hours after adoption of this Resolution, attaching a copy of this Resolution as an exhibit to such filing.
4. The Township Special Affordable Counsel and other appropriate Township officials are hereby authorized and directed to submit and/or file a copy of this Resolution with the Program or any other such entity as may be determined to be appropriate.

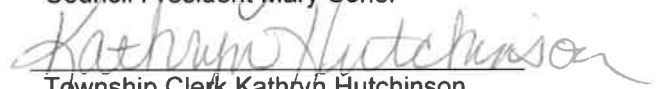
BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Motion/ Second	Roll Call				
		YAY	NAY	ABSTAIN	ABSENT
	Councilman Accettulli	X			
Second	Councilwoman DeCaro	X			
	Councilman DePalma	X			
	Councilman Desai				X
	Councilman Garcia	X			
	Councilman Murphy				X
Motion	Councilman Paskitti	X			
	Council Vice President Dr. Greenberg-Belli	X			
	Council President Sohor	X			

I certify the following to be a true and correct abstract of a resolution regularly passed at a meeting of the Township Council of the Township of Old Bridge

Date: January 28, 2025


Council President Mary Sohor


Township Clerk Kathryn Hutchinson