

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

R E S O L U T I O N #25-46

**A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, MERCER
COUNTY, CONFIRMING THE TOWNSHIP'S FOURTH ROUND AFFORDABLE
HOUSING OBLIGATIONS PURSUANT TO P.L. 2024, c.2 AND THE FAIR
HOUSING ACT, N.J.S.A. 52:27D-302**

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2 into law, amending the Fair Housing Act ("FHA") and establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine; and

WHEREAS, the FHA requires the New Jersey Department of Community Affairs ("DCA") to calculate regional need, and municipal present and prospective affordable housing needs, in accordance with the formulas established in the law; and

WHEREAS, on October 18, 2024, the DCA released its "Affordable Housing Obligations for 2025-2035 (Fourth Round)" report ("DCA Report"), establishing the Fourth Round (2025-2035) fair share methodology and estimating non-binding calculations of low- and moderate-income housing obligations for New Jersey's 564 municipalities; and

WHEREAS, the FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the FHA would support a lower fair share calculation; and

WHEREAS, per P.L. 2024, c.2, in order for Hopewell Township to maintain immunity from exclusionary zoning litigation, it must determine its municipal present and prospective fair share obligations in accordance with the formulas established in sections 6 and 7 of the law, by binding resolution, no later than January 31, 2025; and

WHEREAS, P.L. 2024, c.2 permits Hopewell Township to diverge from the DCA's calculations in determining its obligations, in the event local factors exist that make the calculations unreasonable, so long as the municipality adheres to the methodology set forth in P.L. 2024, c.2; and

WHEREAS, DCA identified the present and prospective fair share obligations of Hopewell Township as follows:

- Present Need: 8 units
- Prospective Need: 543 units

WHEREAS, as part of its analysis, the DCA calculated the total acreage within the municipality that is developable, known as the "Land Capacity Factor"; and

WHEREAS, DCA calculated Hopewell Township's Land Capacity Factor to be 781.2 acres of available land, which represented 6.9% of the total available, developable land within Region 4; and

WHEREAS, DCA's analysis relied in part on data that was outdated or did not reflect current conditions; and

WHEREAS, Township Planner Frank Banisch, P.P., A.I.C.P., and Township Affordable Housing Engineer Mark Kataryniak, P.E., reviewed the DCA analysis and recalculated the Land Capacity Factor based on their parcel-by-parcel review of all of the land within the Township; and

WHEREAS, Mr. Banisch and Mr. Kataryniak concluded that only 36.8% of the land identified by DCA as being developable would actually qualify as such; and

WHEREAS, utilizing the DCA formulas related to Land Capacity Factor, and applying the 36.8% reduction factor, Hopewell Township's available land area was reduced to 287.49 acres, which adjusts the regional contribution of available land to 2.7% within Region 4; and

WHEREAS, carrying that adjustment through the balance of the methodology reduces Hopewell Township's Prospective Need from **543 units** to **348 units**; and

WHEREAS, the FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of the Act; and

WHEREAS, Hopewell Township's calculation of need was established in accordance with Sections 6 and 7 of the Act, and is therefore entitled a presumption of validity; and

WHEREAS, Hopewell Township now seeks a certification of compliance with the FHA, and pursuant to Directive #14-24 of the Administrative Office of the Courts, a municipality seeking a certification of compliance must file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after the adoption of the municipal resolution of the fair share obligations, or by February 3, 2025, whichever is sooner.

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of January, 2025, by the Township Committee of the Township of Hopewell, in the County of Mercer, and the State of New Jersey, as follows:

1. The Whereas clauses set forth above are incorporated into the operative clauses of this Resolution.
2. The Township Committee of the Township of Hopewell hereby establishes its Fourth Round fair share Present Need obligation as **8 units**, and its Fourth Round Prospective Need obligation as **348 units**.
3. The Township Committee hereby directs its Township Attorney to seek a certification of compliance for this Fourth Round fair share obligation by filing a declaratory judgment action in Mercer County pursuant to Directive #14-24 of the Administrative Office of the Courts.

4. The Township Committee hereby directs its Township Clerk to post this Resolution on the Township's official website and with the Affordable Housing Dispute Resolution Program within 48 hours of adoption.
5. Hopewell Township reserves its right to adjust its Fourth Round fair share obligation subject to any further adjustments or FHA amendments as may be provided by law.
6. This resolution shall take effect immediately.

Date Adopted: January 27, 2025

CERTIFICATION

I, Katherine Fenton-Newman, Municipal Clerk, of the Township of Hopewell, County of Mercer, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at the regular meeting held on the 27th day of January, 2025, in the Municipal Building Auditorium, Hopewell Township, New Jersey and via Zoom Video Communications.



Katherine Fenton-Newman, CMR, RMC
Municipal Clerk