

**Attorney Statement
Township Committee Meeting
January 29, 2025**

As to the Resolution:

The Resolution on the agenda is to accept the methodology used by the New Jersey Department of Community Affairs to calculate the Township's Fourth Round Affordable Housing obligations.

The Township's affordable housing planning consultant has reviewed the data utilized by the Department of Community Affairs and has recommended that the Township accept the methodology and calculations.

The adoption of this Resolution is required by certain amendments to the Fair Housing Act that were adopted by the Legislature last year in order for the Township to participate in the State's Affordable Housing Dispute Resolution Program and be afforded protection from exclusionary zoning litigation and maintain control of its zoning and planning.

The amended Fair Housing Act requires that the Township adopt this binding resolution by January 31, 2025.

The Resolution specifically reserves the Township's right to adjust its affordable housing obligations (as may be permitted by law).

With this Resolution, the Township Committee is **not** voting on a plan to address its affordable housing obligations; is **not** voting on any proposed development projects or applications; and is **not** voting on any agreements with any developers.

This Resolution is the first step in the process for the Township to address its Fourth Round Affordable Housing obligations.

The Township will next start preparing a plan to address its obligations. That process will occur over the course of several months, with the Township Committee having until June 30, 2025 to adopt its plan.

As to the DJ Action:

Within 48 hours of adoption of the resolution relating to the Township's Fourth Round Affordable Housing Obligations, the Township will be filing a declaratory judgment complaint along with the resolution in the Superior Court of New Jersey, Monmouth County vicinage.

The filing of the Complaint will initiate the Township's participation in the State's Affordable Housing Dispute Resolution Program.

Participation in this program will protect the Township from exclusionary zoning lawsuits and from losing its immunity from builder's remedy lawsuits.

The Complaint seeks approval from the State's Affordable Housing Dispute Resolution Program (and the Court) with respect to the determination of the Township's affordable housing obligations

set forth in the resolution being adopted tonight and also seeks to reserve the Township's right to adjust its affordable housing obligations.

If a developer or an affordable housing advocacy organization were to challenge the Township's Fourth Round Affordable Housing obligations as determined by the New Jersey Department of Community Affairs, because we are filing this Complaint – such a challenge would be addressed by the State's Affordable Housing Dispute Resolution Program while affording the Township temporary immunity from lawsuits.

The Complaint also seeks an ultimate determination from the State's Affordable Housing Dispute Resolution Program and the Court (after the Town prepares its affordable housing plan) that the Township has complied with its constitutional obligations and is afforded permanent immunity from exclusionary zoning lawsuits until 2035.