

FRANKLIN TOWNSHIP
GLOUCESTER COUNTY, NEW JERSEY
R-37-25

**RESOLUTION REGARDING FAIR SHARE AFFORDABLE HOUSING
OBLIGATIONS FOR THE FOURTH ROUND**

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region’s present and prospective needs for housing for low- and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

WHEREAS, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, “[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located” within 48 hours of adopting the municipal resolution of fair share obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued “a report on the calculations of regional need and municipal obligations for each region of the State” on or about October 18, 2024 (the “DCA Report”); and

WHEREAS, the DCA Report set the municipal obligation for Franklin Township as follows:

Present Need: 48
Prospective Need: 253

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a), a municipality may determine its present and prospective fair share obligation for affordable housing consistent with the established methodologies; and

WHEREAS, the data compiled by DCA to calculate the Township’s “land capacity factor” erroneously noted a 232.76 acre portion of Block 1902, Lot 1 (1457 Fries Mill Rd Franklinville NJ 08322) as vacant and developed land; and

WHEREAS, the Township Planning Board granted preliminary site plan approval to develop such property as a solar farm pursuant to a resolution adopted on June 18, 2024; and

WHEREAS, removing such property from the inventory of vacant land in the Township reduces the total vacant land from 1,258.36 acres to 1,025.6 acres and reduced the “average allocation factor” from 2.78% to 2.36%; and

WHEREAS, the reduction in the land capacity factor and the average allocation factor reduced the Township’s prospective affordable housing obligation from 253 to 215; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Franklin, Gloucester County, New Jersey, as follows:

1. Frankling Township hereby determines, based on the DCA Report, corrections to the data utilized therein, and advice of the Municipal Planner and Attorney, to adopt the following obligations as its binding Fourth Round Affordable Housing Obligations subject to adjustments made to account for decisions of a court of competent jurisdiction, a change in legislation, lack of availability of public water or sewer infrastructure or capacity (i.e. a durational adjustment), lack of vacant land, and / or survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C). Any such adjustments will be adopted as part of the municipality’s Fourth Round Housing Element and Fair Share Plan.

Present Need: 48
 Prospective Need: 215

2. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
 - a. Filing a declaratory judgement action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight hours following adoption of this Resolution.
 - b. Publishing this Resolution on the Township’s website.
3. The Municipal Attorney, Municipal Planner, and (if appointed) Affordable Housing Subcommittee are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Spending Plan, and effectuating ordinances and resolutions.
4. This Resolution shall take effect immediately.

Adopted: January 14, 2025

COMMITTEE MEMBER	MOTION	2 nd	YES	ABSTAIN	NO	ABSENT
J. Bruno						
T. Doyle						
M. Fiorella						
J. Keen						
M. Marsh						

Attest:

Township of Franklin

 Barbara Freijomil, Clerk

 John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on January 14, 2025.

 Barbara Freijomil, Clerk