

PENNINGTON BOROUGH PLANNING BOARD

RESOLUTION APPROVING AND ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN TO SATISFY THE BOROUGH'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, 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 (the "FHA") (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 was to adopt a binding resolution no later than January 31, 2025, determining its present and prospective fair share obligation for the Fourth Round of Affordable Housing Obligations ("Fourth Round"); and

WHEREAS, the Mayor and Council of the Borough of Pennington ("Borough") adopted Resolution No. 2025-1.31 on January 27, 2025, identifying its present and prospective fair share obligations for the Fourth Round as follows:

Present Need: 4
Prospective Need: 58

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 ("Directive #14-24"), the Borough filed a Complaint for Declaratory Judgment, *In the Matter of the Declaratory Judgment Action of Pennington Borough, Mercer County Pursuant to P.L. 2024, Chapter 2*, Docket No. MER-L-209-25 on January 28, 2025, identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, on March 25, 2025, the Hon. Robert Lougy, A.J.S.C., issued an Order Fixing Municipal Obligations for "Present Need" and "Prospective Need" for the Fourth Round in accordance with the obligations as set forth above, and authorizing the Borough to proceed with preparation and adoption of its proposed HEFSP; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its present and prospective obligations, no later than June 30, 2025; and

WHEREAS, the Board's Planner, James T. Kyle, PP/AICP of Kyle + McManus Associates, prepared a proposed HEFSP, entitled "Housing Element & Fair Share Plan, Borough of Pennington, Mercer County, New Jersey," dated June 11, 2025 (the "Fourth Round HEFSP"); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Pennington Borough Planning Board, in its capacity as a Planning Board (“Board”), may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Pennington Borough Planning Board (the “Board”) held a public hearing on the 2025 Fourth Round HEFSP on June 24, 2025, during which the Fourth Round HEFSP was presented to the Board and public, and opportunity for comments and questions were provided; and

WHEREAS, upon the conclusion of the public hearing, the Board determined that the proposed Fourth Round HEFSP is consistent with the goals and objectives of the Master Plan of the Borough, will guide the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve the goal of access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, the Board now wishes to memorialize its adoption of the proposed Fourth Round HEFSP, in accordance with the FHA and Directive #14-24;

NOW, THEREFORE, BE IT RESOLVED by the Pennington Borough Planning Board, as follows:

1. The above recitals are incorporated and made a part hereof as if set forth at length herein.
2. The Board hereby approves and adopts the Fourth Round Housing Element and Fair Share Plan annexed hereto as **Exhibit A** as the 2025 Housing Element and Fair Share Plan components of the Pennington Borough Master Plan;
3. The Board Secretary shall forthwith cause notice of the adoption of this Resolution and the Fourth Round HEFSP to be published in the official newspaper(s) of the Borough;
4. The Board Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the Borough Clerk and Mayor and Council of Pennington Borough;
5. The Board recommends that the Fourth Round HEFSP be reviewed and endorsed by the Mayor and Council of the Borough of Pennington for submission to the Court in connection with the Borough’s pending DJ Action in accordance with the FHA and Directive #14-24.
6. The Board Secretary is hereby authorized and directed to provide a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the Mercer County

Planning Board and New Jersey Office of Planning Advocacy, in accordance with N.J.S.A.
40:55D-13.

7. This Resolution shall take effect immediately.

Councilperson	Motion	Second	Yea	Nay	Abstain	Absent
Mayor Davy						
Caminiti						
Stern						
Reilly						
Jackson						
Blackwell						
O'Neill						
Tracy						
Kassler-Taub						
Rex (Alt #1)						
Upson (Alt #2)						

I hereby certify that the above is a true copy of a resolution adopted by the Pennington Borough Planning Board at a public meeting held June 24, 2025.

Secretary Pennington Borough Planning Board

ATTACHMENT(S): Exhibit A, Pennington Borough Fourth Round Housing Element and Fair Share Plan.