

**BOROUGH OF PENNINGTON  
RESOLUTION 2025-6.12**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PENNINGTON  
ENDORING THE HOUSING ELEMENT AND FAIR SHARE PLAN AS ADOPTED BY THE  
PENNINGTON BOROUGH PLANNING BOARD AND ADOPTING THE SPENDING PLAN  
ANNEXED THERETO AS APPENDIX 9 AS THE BOROUGH’S FOURTH ROUND SPENDING  
PLAN**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 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 (the “FHA”) (N.J.S.A. 52:27D-301, et seq.); 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:

<b>Present Need:</b>	<b>4</b>
<b>Prospective Need:</b>	<b>58</b>

**WHEREAS**, 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), each municipality must adopt 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**, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, “[after] the entry of an order determining present and prospective fair share obligations, the municipality must file with the Program its adopted housing element and fair share plan... within 48 hours after adoption or by June 30, 2025, whichever is sooner”; and

**WHEREAS**, the Borough’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**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Pennington Borough Planning Board held a public hearing(s) on the Fourth Round HEFSP on June 24, 2025, and adopted the HEFSP on the same day; and

**WHEREAS**, a true copy of the Fourth Round HEFSP and Resolution of the Planning Board adopting the HEFSP is annexed hereto as Exhibit “A”; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-329.2, each municipality is required to include in its HEFSP, “a spending plan for current funds in the municipal affordable housing trust fund and projected funds through the current round.”; and

**WHEREAS**, in accordance with N.J.S.A. 52:27D-329.2, the Borough of Pennington’s Fourth Round HEFSP includes the *Fourth Round Spending Plan of the Housing Element and Fair Share Plan* (“*Spending Plan*”), as Appendix “9”;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Pennington, County of Mercer, State of New Jersey, as follows:

1. The Borough hereby endorses the Fourth Round HEFSP as adopted by the Pennington Borough Planning Board, annexed hereto as **Exhibit A**;
2. The Borough hereby adopts the *Spending Plan* annexed to the Fourth Round HEFSP as Appendix 9, as the Borough’s Fourth Round Spending Plan, in accordance with N.J.S.A. 52:27D-329.2;
3. The Borough hereby authorizes and directs its professionals to take all actions required by N.J.S.A. 52-27D-301, et seq. and Administrative Directive #14-24, including:
  - a. Filing the HEFSP as adopted by the Pennington Borough Planning Board with the Superior Court pursuant to the Borough’s Declaratory Judgment action filed under Docket No. MER-L-209-25 within 48 hours of its adoption; and
  - b. Filing the implementing ordinances and compliance submissions, pursuant to the provisions of the FHA, by June 30, 2025.
4. The Municipal Attorney, Municipal Planner, and such other municipal officials as may be necessary or required are authorized to take all actions to draft and file documents necessary to comply with all Fourth Round affordable housing obligations, including an Affordable Housing Trust Spending Plan, and effectuating ordinances and resolutions.
5. The Borough reserves the right to amend the HEFSP, in the event that such amendment is necessary to comply with all Fourth Round affordable housing obligations.
6. This Resolution shall take effect immediately.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Marciante					Valenza				

I, Elizabeth Sterling, Municipal Clerk of the Borough of Pennington, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council of the Borough of Pennington at a meeting held June 24, 2025.

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Elizabeth Sterling, Borough Clerk

**ATTACHMENT(S):**            **Exhibit A, Housing Element and Fair Share Plan.**