

WHEREAS, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”) on January 24, 2025, the City filed a declaratory judgment action in the Superior Court of Middlesex County, bearing Docket No. MID-L-508-25 (the “**DJ Action**”); and

WHEREAS, the filing of the DJ Action, in accordance with the Act and the Directive, gave the City immunity from Builder’s Remedy lawsuits, which continues to be in full force and effect; and

WHEREAS, no interested party filed a challenge to the DJ Action; and

WHEREAS, no settlement agreement was executed determining a Third Round obligation for the City; and

WHEREAS, in accordance with the Act and the Binding Resolution, the City’s Planning Consultant, Topology, (the “**City Planner**”) prepared a Housing Element and Fair Share Plan, dated June 9, 2025, which is on file with the City Clerk which addresses the City’s Present Need and Prospective Need Obligations for the Third and Fourth Rounds (“**HEFSP**”); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Planning Board of the City (the “**Planning Board**”) is charged with the preparation and adoption of the City’s Master Plan, which includes the HEFSP; and

WHEREAS, on June 9, 2025, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-13, the Planning Board held a public hearing at a Special Meeting to review the HEFSP prepared by the City Planner; and

WHEREAS, after review and consideration of the HEFSP and presentation by the City Planner, the Planning Board has determined the HEFSP is consistent with the goals and objectives of the City’s current Master Plan, and further determined adoption of the same is in the best interest of the City; and

WHEREAS, upon adoption of the HEFSP, the Planning Board Secretary is hereby directed to transmit the same to the Clerk of the City for consideration of endorsement by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of South Amboy, Middlesex County, New Jersey, as follows:

1. The foregoing recitals are incorporated herein and made a part hereof as though fully restated.
2. The HEFSP is hereby approved and adopted.

RESOLUTION NO. PB 9-25

**CITY OF SOUTH AMBOY
PLANNING BOARD RESOLUTION
ADOPTING THIRD AND FOURTH ROUND HOUSING ELEMENT
AND FAIR SHARE PLAN**

WHEREAS, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (“**Mount Laurel IV**”), citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel I**”), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Id., citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel II**”), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the “**Mount Laurel Doctrine**”); and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel Doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

WHEREAS, A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of need for present and prospective need for very low-, low- and moderate- income housing in each municipality for the Fourth Round on or before October 20, 2024; and

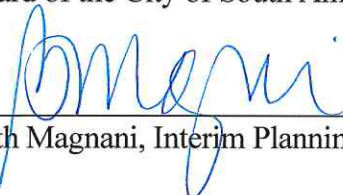
WHEREAS, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) which report established the final calculation and obligations for each municipality in New Jersey, including the City of South Amboy (the “**City**”); and

WHEREAS, the DCA Report calculated the City’s Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 19 and a Prospective Need or New Construction Obligation of 49; and

WHEREAS, the City Council adopted Resolution No. 25-057 (the “**Binding Resolution**”), accepting the obligation as set forth in the DCA Report; and

3. The Board Attorney shall forthwith cause notice of the adoption of this Resolution to be duly published in the designated newspaper of the Planning Board.
4. The Board Secretary shall also forthwith transmit a copy of this Resolution and the adopted HEFSP to the City Clerk and City Council.
5. No later than thirty days from the date hereof, the Board Secretary shall cause a copy of this Resolution and adopted HEFSP to be provided to the Office of Planning Advocacy and to the Middlesex County Planning Board via personal service or certified mail, return receipt requested, in accordance with the requirements of N.J.S.A. 40:55D-13.

THIS IS TO CERTIFY that the foregoing is a true copy of the Resolution adopted by the Planning Board of the City of South Amboy at its Special Meeting held on June 9, 2025.


_____,
Beth Magnani, Interim Planning Board Secretary

