EXHIBIT 1

RESOLUTION NO. 25-62
MEETING DATE: 01-15-2025

RESOLUTION OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, COMMITTING TO COMPLY WITH AFFORDABLE HOUSING OBLIGATIONS FOR ROUND 4

C/Ziner offered the following Resolution and moved its adoption, which was second by **C/Zabrosky.**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report identifies the Township's Present Need, also referred to as its Rehabilitation Obligation, as 7 and its Round 4 Prospective Need as 98; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A 52:27D-311 (m); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Township of Millstone accepts the DCA calculations of its fair share obligations and commits to its fair share of 7 units present need and 98 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan it submits by the June 30, 2025 deadline the Amended FHA establishes and

WHEREAS, the Township of Millstone reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Township of Millstone also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Millstone reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Township of Millstone finds that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the foregoing, nothing in Amended FHA requires or can require an increase in the Township's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of Amended FHA is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township of Millstone seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Monmouth County and with the Program.

NOW, THEREFORE, BE IT RESOLVED on this 15th day of January, 2025 by the Township of Millstone as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Township of Millstone hereby commits to the obligations the DCA reported on October 18, 2024, 7 units for the Present Need or rehab obligation and 98 for the Round 4 Prospective Need Obligation of 98 subject to all reservations of rights, which specifically include:

a) The right to a vacant land adjustment or a durational adjustment in accordance with COAH regulations;

b) The right to comply with the NJILGA Legislation if the Legislature enacts it;

c) The right to adjust its obligation in the event of any future legislation that adjusts the obligations the DCA reported on October 18, 2024;

c) The right to comply with any future Legislation that changes its obligations under current law;

d) The right to adjust its obligations based upon any ruling in the Montvale litigation or other litigation; and

e) The right to adjust its obligations in the event of a third party challenge to the obligations of the Township of Millstone and the Township defends itself.

3. The Township of Millstone hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Monmouth County within 48 hours after adoption of this resolution attaching this resolution.

4. The Township of Millstone authorizes its Affordable Housing Counsel to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

ROLL CALL:
AYES: **C/Zabrosky, C/Ziner, M/Ferro**
NAYS: **None**
ABSTAIN: **None**
ABSENT: **C/Davis, DM/Morris**

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of January 15, 2025.

Kathleen Hart

Kathleen Hart, RMC
Municipal Clerk