

TOWNSHIP OF LUMBERTON

RESOLUTION NO. 2025 - 055

**ESTABLISHING LUMBERTON TOWNSHIP'S FOURTH
ROUND AFFORDABLE HOUSING REQUIREMENT**

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 State's Fair Housing Act; and

WHEREAS, the law requires that the New Jersey Department of Community Affairs ("DCA") perform a calculation of regional need, and municipal present and prospective affordable housing needs, in accordance with the formulas established in the law; and

WHEREAS, on October 18, 2024, the DCA released its "Affordable Housing Obligations For 2025-2035 (Fourth Round)" report, establishing the Fourth Round (2025-2035) fair share methodology and calculations of low- and moderate-income housing obligations for New Jersey's 564 municipalities; and

WHEREAS, the final calculation and obligations for each municipality are presented in an Appendix at the end of the report; and

WHEREAS, the Amended Fair Housing Act provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support a lower fair share calculation; and

WHEREAS, per *P.L. 2024, c.2.*, in order for Lumberton Township to maintain immunity from exclusionary zoning litigation, it must determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of the law by binding resolution no later than January 31, 2025; and

WHEREAS, *P.L. 2024, c.2* permits Lumberton Township to diverge from the DCA's calculations in determining its obligations, in case local factors exist that make the calculations unreasonable, so long as Lumberton Township adheres to the methodology set forth in *P.L. 2024, c.2*; and

WHEREAS, Lumberton may take into consideration the calculations in the October 8, 2024 report published by the DCA to determine its obligations; and

WHEREAS, the present and prospective fair share obligations of the Lumberton Township were identified as follows:

- Present Need: 38 units
- Prospective Need: 106 units

WHEREAS, the Township’s Planner, the Township’s Affordable Housing Attorney, and other Township professional staff possess actual knowledge of present conditions in Lumberton which were not known to the DCA officials that evaluated Lumberton through raw data sets and land use/land cover data reflecting land uses and coverages in 2020; and

WHEREAS, such present day conditions, history and knowledge could not be known to DCA officials that were evaluating every municipality in the State of New Jersey; and

WHEREAS, the Township Planner, Affordable Housing Attorney and Administrator met with DCA officials and explained why the Township’s evaluation differed from the DCA analysis; and

WHEREAS, the DCA officials concurred that the municipal analysis was detailed and encompassing and possessed knowledge of conditions not known to the DCA during their analysis; and

WHEREAS, the Township professionals evaluated DCA's vacant land analysis and identified land in Lumberton that should not be included as vacant and developable; and

WHEREAS, the Planner tabulated these areas and confirmed that the vacant land in Lumberton is reduced from 197.942 acres to 17.042 acres; and

WHEREAS, the Township Planner has determined that the Land Capacity Allocation Factor must be adjusted from 1.06% of the region’s vacant land (based on 197.942 acres) to .1% of the region’s vacant land (based on 17.042 acres). The vacant land capacity was adjusted by removing the following land which was improperly included as developable land in the DCA’s calculation:

- (1) Preserved land owned by Lumberton Township and Homeowners’ Associations such as:
 - a. Open space/parkland properties with deed restrictions and/or on Recreation and Open Space Inventory (ROSI);
 - b. Properties with easements restricting development;
- (2) Lands containing utility infrastructure
- (3) Lands that have been developed, that are fully approved for development, or that are identified as inclusionary sites in the Third Round Settlement Agreement and Housing Element and Fair Share Plan; and
- (4) Areas identified as undevelopable by size, use, orientation, or some combination thereof.

WHEREAS, in addition to reducing Lumberton's vacant land the Planner also reduced the regional total vacant land by the same amount and per DCA's original analysis Lumberton had 1.06% of the region's vacant land and per the Planner’s analysis Lumberton has .1% of the region's vacant land; and

WHEREAS, vacant land is one of three allocation factors to be considered; and

WHEREAS, the three allocation factors (land capacity factor, nonresidential valuation factor, income capacity factor) are averaged to find the "average allocation factor", which is multiplied by the regional prospective need to get the Township's obligation; and

WHEREAS, using the DCA's vacant land analysis Lumberton's average allocation factor was 1.16% and with the new vacant land number the average allocation factor is .843%; and

WHEREAS, this reduces the Township's round 4 prospective need obligation from 106 to 77; and

WHEREAS, the Present Need number also use three proxy factors in to calculate the present need for each municipality including (a) the number of housing units lacking complete kitchen facilities, (b) the number of units lacking complete plumbing facilities and (c) the number of overcrowded units more than 50 years old that are occupied by low- and moderate-income households; and

WHEREAS, the proxy data is intended to reflect the number of substandard units in the municipality occupied by low-and moderate-income households that may be in need of rehabilitation, but the data is based on tabulations of survey responses. Though the Comprehensive Housing Affordability Strategy dataset provides that there are 15 households in Lumberton that are lacking complete kitchen and/or plumbing and that are occupied by low and moderate income households, the Township's tax assessor and planner are not aware of any units lacking a complete kitchen or plumbing system; and

WHEREAS, based upon available information, the proper calculation for Present Need shall be 23 units instead of 38 units; and

WHEREAS, the Township's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Act; and

WHEREAS, within 48 hours of adoption of this resolution, the Municipal Clerk of Lumberton shall file this resolution on its official website and with the Affordable Housing Dispute Resolution Program.

WHEREAS, pursuant to the Directive #14-24, a municipality seeking a certification in 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 the adoption of the municipal resolution of the fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township of Lumberton 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 Burlington County.

NOW, THEREFORE, BE IT RESOLVED on this 16th day of January, 2025, by the Township Committee of Township of Lumberton, in the County of Burlington, and the State of New Jersey that, pursuant to *P.L.2024, c.2*:

1. All of the Whereas Clauses set forth above are incorporated into the operative clauses of this resolution.
2. This resolution rescinds and replaces any prior resolutions concerning Fourth Round obligations.
3. The Township Committee of the Township of Lumberton hereby accepts a Present Need obligation of 23 and a Prospective Need obligation of 77 as its Fourth Round (2025-2035) affordable housing obligation pursuant to P.L. 2024 c.2 and the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. These findings are to be documented in the Township’s housing element and fair share plan.
4. The Township Committee hereby directs its Affordable Housing Counsel to file a declaratory judgment attaching this resolution in Burlington County within 48 hours after adopting this resolution.
5. The Township reserves its right to adjust its Fourth Round Affordable Housing obligation subject to any vacant land adjustments and other amendments as may be provided for by law.
6. This resolution shall be posted on the Township’s official website and with the Affordable Housing Dispute Resolution Program within 48 hours of adoption.
7. This resolution shall take effect immediately, according to law.

Adopted: January 16, 2025

COMMITTEE MEMBER	MOTION	2 nd	YES	ABSTAIN	NO	ABSENT
T. Benson	X		X			
G. Robinson		X	X			
A. Smith			X			
L. Faye			X			
G. LaPlaca			X			

CERTIFICATION

I, Bobbie Quinn, RMC, Lumberton Township Clerk, hereby certify that the foregoing Resolution was duly adopted by the Lumberton Township Committee at its Regular Business Meeting held of the 16th day of January, 2025.

Bobbie Quinn

Bobbie Quinn, RMC
Lumberton Township Clerk