

TOWNSHIP OF GALLOWAY
PLANNING BOARD

RESOLUTION NO. 5A -2025

Fourth Round Housing Element and Fair Share Plan of the Master Plan of the Township of Galloway and Spending Plan ADOPTED
Hearing Date: June 5, 2025

WHEREAS, this matter was heard by the Planning Board of the Township of Galloway, County of Atlantic, State of New Jersey (“Planning Board”), on June 5, 2025, at a duly scheduled meeting, with a quorum present to consider the adoption of the Housing Element and Fair Share Plan of the Township of Galloway to address the Fourth Round affordable housing obligations for the period of July 1, 2025 through July 1, 2035 (“Fourth Round”); and

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”); and

WHEREAS, the New Jersey Supreme Court, in Holmdel Builders Association v. Township of Holmdel, 121 N.J. 550 (1990), approved the use of development fees as a device for meeting a municipality’s affordable housing obligations; and

WHEREAS, the New Jersey Legislature has adopted the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq., limiting a municipality’s

authority to impose development fees on non-residential development, and setting forth specific standards and obligations with regard to the imposition and collection of development fees on non-residential development; and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing (“COAH”), created an Affordable Housing Dispute Resolution Program within the Courts (the “Program”), and codified standards for complying with a municipality’s affordable housing obligation (“FHA Amendments”); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. (“Affordable Housing Regulations”), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) to implement the FHA Amendments; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a) requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality’s fair share of affordable housing, and N.J.S.A. 52:27D-304.1(f)(2)(c) requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, the Township elected to participate in the Program and on January 21, 2025, the Township adopted Resolution #051-52, setting forth its Fourth Round present need obligation at 260 units and its Fourth Round prospective need at 89 units, which Fourth Round obligation was approved by the Court on March 27, 2025; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a), N.J.S.A. 52:27D-310, N.J.S.A. 52:27D-310.1, N.J.S.A. 52:27D-311, N.J.S.A. 52:27D-329.1 and N.J.S.A. 52:27D-329.2 of the FHA and Amended FHA, and the Administrative Directive #14-24, issued December 13, 2024, by the Acting Administrative Directive of the New Jersey Courts, set forth various requirements for the preparation of a housing element; and

WHEREAS, the Amended FHA 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, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a), a municipality who is participating in the Program must, on or before June 30, 2025, adopt a housing element and fair share plan addressing its Fourth Round affordable housing obligations, and file it with the Program within 48 hours of adoption; and

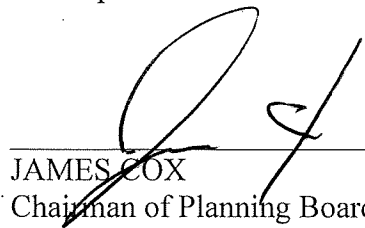
WHEREAS, by way of Resolution 146-25, the Township Council of the Township of Galloway requested that the Planning Board prepare a housing element and fair share plan to address the Township’s Fourth Round affordable housing obligations, and a document entitled, “Housing Element and Fair Share Plan, Galloway Township, Atlantic County,” was prepared by Vincent J. Polistina, PP and Jennifer L. Heller, AICP, PP of Polistina and Associates, which was placed on file in the office of the Planning Board (“Fourth Round Housing Element and Fair Share Plan”); and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 5, 2025; and

WHEREAS, the Planning Board has determined that the Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township of Galloway's Master Plan, the FHA, the FHA amendments, the Affordable Housing Regulations, UHAC and Directive 14-24, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan, including the Spending Plan set forth therein, is in the public interest and protect public health and safety and promote the general welfare; and

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Galloway, County of Atlantic, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan on this 5th day of June, 2025.

BE IT FURTHER RESOLVED that the Planning Board of the of the Township of Galloway, County of Atlantic, State of New Jersey, hereby directs its Planning Board Attorney and Planning Board Secretary to assist the Township's Affordable Housing Attorney, Maley Givens, P.C. to file this adopted resolution and this adopted Fourth Round Housing Element and Fair Share Plan within 48 hours after adoption of the same as part of the Township's Fourth Round Declaratory Judgment Action captioned, In the Matter of the Township of Galloway's Determination of 4th Round Affordable Housing Obligations, Docket No. ATL-L-000133-25, filed in the Superior Court of New Jersey.



JAMES COX

Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Fourth Round Housing Element and Fair Share Plan of the Township of Galloway on June 5, 2025.

A handwritten signature in cursive script, appearing to read "C. Baldino", is written above a horizontal line.

CINDY BALDINO

Planning Board Secretary