

FOR IMMEDIATE RELEASE

August 18, 2021



For more information:
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Statement of the Millburn Township Committee On the Township's Settlement in the Matter of State-Mandated Affordable Housing

August 17, 2021

At this regularly scheduled meeting of the Millburn Township Committee, the committee will vote on a resolution to ratify a settlement agreement on the matter of state-mandated affordable housing. The settlement includes a plan that outlines the construction of state-mandated affordable housing in the township.

Members of the Township Committee and a steering committee dedicated to this issue, along with a variety of Millburn leaders invited to participate in this process over the years, have had an opportunity to weigh in on this important subject.

Just last month, Millburn was given an aggressive, court-ordered deadline to settle this matter, or face significant consequences. The historical context on this subject is important to understand: For the past 38 years, Millburn, for one reason or another, failed to address and meet its state-mandated obligations on affordable housing. As such, the court and other involved parties, through pending legal actions, recently presented this Township Committee with the following choices: 1) further litigate (with no real chance of prevailing); or 2) negotiate the best possible outcome and settle.

In that regard, and as you will hear this evening, this settlement agreement, which reflects many of the Township Committee's priorities on managing density in Millburn, represents the best possible outcome for the township. We are here to share details of this settlement with you this evening after being prohibited from doing so by the court throughout negotiations.

Affordable housing is mandated by the state of New Jersey, enforced by the courts and essentially required by the state constitution. There is no opting out for municipalities. Municipalities all around the state – including the neighboring towns of Madison, Chatham and Livingston – have dealt with affordable housing mandates for years.

It is important to understand that the entire affordable housing process – methodologies, calculations, orders and timelines – is sanctioned, enforced and driven by the courts. You will hear more about the other parties involved in this issue from the township’s retained experts. But the bottom line is this: Every 10 years or so, municipalities are required to meet court-sanctioned affordable housing “obligations,” which are specific numbers of affordable housing units that a municipality must provide a realistic opportunity for developers to build, or face significant consequences.

Given Millburn’s long delay in meeting its state-mandated affordable housing obligations, this matter came to a head for Millburn and this Township Committee in July. These were our choices:

- 1) Litigate further (with little chance of prevailing) and risk losing control of the township’s planning and zoning functions and existing regulations, setting the stage for even more developments with affordable housing;
- 2) Settle and maintain control over ALL development in Millburn, including state-mandated affordable housing. We also maintain control over the township’s planning and zoning function and existing regulations. And with this agreement, Millburn is, at long last, able to meet its past and current affordable housing obligations, spanning the period of 1987 to 2025.

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