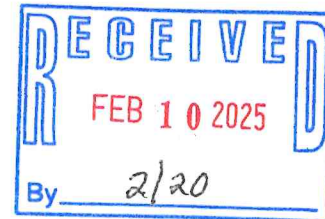


CLERK

OPRA

From: Charlie Kratovil <opra+request-71760-c7aa7da1@requests.opramachine.com>
Sent: Friday, February 7, 2025 4:42 PM
To: OPRA
Subject: OPRA request - Affordable Housing Obligation



Dear Scotch Plains Township,

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-5(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested:

Please provide a copy of the binding resolution adopting the municipality's "fourth round" affordable housing obligation numbers.

My preferred delivery method for response(s) to this request is by E-mail as an attachment. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Yours faithfully,

Charlie Kratovil

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-71760-c7aa7da1@requests.opramachine.com

Is opra@scotchplainsnj.com the wrong address for OPRA requests to Scotch Plains Township? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=scotch_plains_township

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/affordable_housing_obligation_62

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAMachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."

Explanation: A Resolution of the Township of Scotch Plains Committing to the New Jersey Department of Community Affairs Fourth Round Affordable Housing Present Need and Prospective Need Numbers As Modified pursuant to P.L. 2024, c. 2 and Fair Housing Act, N.J.S.A. 52:27D-302.

TOWNSHIP OF SCOTCH PLAINS

RESOLUTION NO. 2025-61

WHEREAS, on March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c. 2), which legislation amends the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. ("Amended FHA") and requires each municipality to provide its fair share of affordable housing obligation under the Mount Laurel Doctrine based on a new process and updated methodology; 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, on October 18, 2024, the DCA calculated the non-binding statewide and regional affordable housing needs and released a non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligation as set forth in DCA's report, entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" (the "DCA Report"); and

WHEREAS, pursuant to the DCA Report the Township of Scotch Plains' non-binding Present Need or Rehabilitation Obligation is 53 and the Township's non-binding Prospective Need is 244; 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, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor and shall be averaged to yield the municipality's average allocation factor, and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3(c)(3), a municipality's income capacity factor shall be "determined by calculating the average of the following measures: (a) The municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of \$100 below the lowest median household income in the region; and (b) The municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality"; and

WHEREAS, the DCA calculated the income capacity factor for each municipality in New Jersey using the Census Bureau's American Community Survey 2018-22 5-Year Estimates, which

was the most recent American Community Survey Five-Year Estimates at the time of the release of the DCA Report; and

WHEREAS, on December 12, 2024, the United States Census Bureau released American Community Survey 2019-23 5-Year Estimates data, therefore establishing the American Community Survey 2019-23 5-Year Estimates as the most recent American Community Survey Five-Year Estimates at the time of this resolution; and

WHEREAS, the Township Affordable Housing Planner, Michael Mistretta of Harbor Consultants (the "Township Planner"), has recommended a re-calculation of the Township's income capacity factor using the American Community Survey 2019-23 5-Year Estimates data in accordance with the methodology established in the Amended FHA; and

WHEREAS, as detailed in the Township Planner's Report, which is attached hereto and incorporated herein as Exhibit A, the Township's income capacity factor is re-calculated as 2.06% rather than 2.29% as provided in the DCA Report; 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, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 (the "DCA Land Capacity Analysis") containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the DCA Land Capacity Analysis identified 36.492 acres of "developable" land within the Township of Scotch Plains, therefore resulting in a land capacity factor calculation of 0.68% for the Township as detailed in the DCA Report; and

WHEREAS, the Township of Scotch Plains (the "Township") and Township Planner have reviewed the lands identified by the DCA Land Capacity Analysis with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, the Township and Township Planner find that several areas identified as "developable" in the Township by the DCA Land Capacity Analysis are in fact not "developable" and shall be removed from the land capacity factor calculation, which are detailed further within the Township Planner's Report; and

WHEREAS, the Township finds that +/- 31.789 acres of the 36.492 acres of "developable" land identified in the DCA Report are to be removed from the land capacity factor calculation;

resulting in a re-calculation of the land capacity factor as 0.09% based on +/- 4.703 total acres of "developable" land within the Township; and

WHEREAS, based on a review of the DCA Report and findings made by the Township Planner, it is recommended that the Township Council adopt a binding resolution accepting the Present Need obligation of 53 as calculated by the DCA; and

WHEREAS, based on a review of the DCA Report and findings made by the Township Planner, it is recommended that the Township Council adopt a binding resolution determining a reduced municipal Prospective Need obligation of 188 based on a re-calculation of the income capacity factor and land capacity factor as supported by the Township's Planner's report and detailed mapping, attached hereto and incorporated herein as Exhibit A; and

WHEREAS, based on the foregoing, the Township relies on the DCA calculations of the Township's fair share obligations as modified to account for the Township's review of the American Community Survey Five-Year Estimates data used for the income capacity factor and the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and recommended in the attached report prepared by Township's affordable housing planner; and

WHEREAS, the Township seeks to commit to provide its fair share of 53 units present need and 188 units of prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

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

WHEREAS, the Township 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, Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need obligation should be lower than described herein; and

WHEREAS, in light of the above, the Township Council finds that it is in the best interest of the Township to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the Township Council finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Township to direct the filing of an action in the form of a declaratory

judgment complaint within 48 hours after adoption of the within resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Scotch Plains, in the County of Union, State of New Jersey, as follows:

1. The foregoing recitals are incorporated herein as if set forth in full; and
2. The Township Council of the Township of Scotch Plains, hereby accepts a Present Need obligation of 53 and a Prospective Need obligation of 188 as its Fourth Round (2025 to 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., as explained above and in the attached memo from the Township's affordable housing planner, and subject to all reservations of rights set forth above; and
3. The Township Council hereby directs Hoagland Longo Moran Dunst & Doukas, LLP, its Affordable Housing Attorney, to file a declaratory judgment complaint in Union County within 48 hours after adoption of the within resolution and attaching this resolution as an exhibit with the attached memo; and
4. The Township Council authorizes Hoagland Longo Moran Dunst & Doukas, LLP to submit and/or file the within resolution with attached memo with the Program or any other such entity as may be determined to be appropriate; and
5. This resolution shall take effect immediately, according to law.

Dated: January 21, 2025

RECORD OF VOTE

RECORD OF VOTE									
COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
ADAMS	X				ZIMMERMAN	X			
STAMLER	X				MAYORLOSARDO	X			
WHITE	X				COMMENT				
MOTION	ADAMS				SECOND	STAMLER			
X- INDICATES VOTE AB- ABSENT NV- NOT VOTING									

Certified copy of a resolution adopted
at a regular meeting of the Township
Council of the Township of Scotch Plains,
Union County, New Jersey on

January 21, 2025

Bozena Lacina

Bozena Lacina, RMC
Municipal Clerk

