

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO. 47-2025

CODE REVIEW &
TOWN PROPERTY COMMITTEE

JANUARY 14, 2025

WHEREAS, the Fair Housing Act (FHA) (codified in NJSA 52:27D-301 et seq.) has the force of law, and the governing body of the Town of Westfield intends to meet the mandates of that statute in order to have a fully enforceable zoning ordinance which avoids the ad hoc nature of builder's remedy lawsuits, and

WHEREAS, the 2024 amendments to the Fair Housing Act (2024 amendments) require the Department of Community Affairs (DCA) to produce initial, non-binding estimates of fair share obligations for each municipality, and the 2024 amendments (specifically, L. 2024, c.2) established the Affordable Housing Dispute Resolution Program (Program) within the judiciary for the purpose of resolving disputes associated with the Fair Housing Act, and

WHEREAS, the Administrative Director of the Administrative Office of the Courts (AOC) has established procedures for the Program's operation as set forth in Administrative Directive #14-24 which requires any municipality which wishes to participate in the Program to file a Declaratory Judgment action in the County in which the municipality is located and attach a copy of a resolution committing to the municipality's Present Need and Prospective Need numbers as calculated by the municipality after considering the DCA's non-binding estimates, and

WHEREAS, the DCA issued a report titled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" which contains the DCA's calculations of its non-binding estimates of Present Need and Prospective Need for each municipality in an Appendix at the end of the report, and the Appendix lists the Town's estimated numbers as zero Present Need and a Prospective Need or New Construction Obligation of 397 units, and

WHEREAS, the Town of Westfield has reviewed at length the data utilized by DCA with its highly qualified professional planning staff, which concludes that a small modification of the DCA Prospective Need number is appropriate, specifically a number of 364 instead of 397, and

WHEREAS, the Town of Westfield seeks to avail itself of the Program and will file the within resolution with the DCA within 48 hours of the adoption of the within resolution and no later than January 31, 2025, and will file a Declaratory Judgment action within 48 hours of the adoption of the within resolution and no later than February 3, 2025, and

WHEREAS, the governing body of Westfield recognizes that the resolution of the Present Need and Prospective Need numbers is only the first step on a path to constitutional compliance with the Mount Laurel doctrine and that developing and adopting a Housing Element and Fair Share Plan (which may include credits, adjustments and compliance mechanisms as allowed by the 2024 amendments), followed by the adoption of implementing ordinance, is required and is a process the governing body will embrace, as it continues its compliance with the Mount Laurel doctrine, and

WHEREAS, the governing body recognizes the long involvement of the Fair Share Housing Center (FSHC) in the matters of exclusionary zoning and affordable housing in New Jersey, and will forward a copy of the within resolution to the FSHC, and

WHEREAS, the governing body of Westfield wishes to reserve rights to amend its position if the Legislature changes the statute or the courts by judicial decisions alter the statute or the meaning of the statute, and

NOW THEREFORE, BE IT RESOLVED on this 14th day of January, 2025 by the Mayor and Town Council of Westfield as follows:

1. All of the above paragraphs are incorporated in this resolution.
2. The Town commits to the DCA Present Need number of zero and also commits to the DCA's methodology of calculating Prospective Need but modified from 397 units to 364 units, which modification is detailed and explained in the attached memo from the Town's affordable housing planner and staff. (Attached memo is Exhibit A)
3. The Town also commits to submitting a Housing Plan element and Fair Share Plan element to the Program, Court and FSHC as required by 2024 amendments.
4. The Town directs its Affordable Housing Counsel to submit the within resolution and attached memo with the DCA within 48 hours of the adoption of the within resolution and no later than January 31, 2025, and to submit it to FSHC.
5. The Town also directs its Affordable Housing Counsel to file the required Declaratory Judgement action within 48 hours of the adoption of the within resolution and no later than February 3, 2025, and to submit it to FSHC.
6. This resolution will take effect upon passage

I hereby certify that the within Resolution is a true and exact copy of the Resolution adopted by the Westfield Town Council at their meeting on January 14, 2025.



Maureen Lawshe, RMC
Town Clerk