

**TOWNSHIP OF WARREN
RESOLUTION NO. 2025-064**

**RESOLUTION ESTABLISHING FOURTH ROUND AFFORDABLE HOUSING
PRESENT NEED AND PROSPECTIVE NEED OBLIGATION**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (“Amended FHA”); 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, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Warren Township’s Fourth Round (2025-2035) obligations as follows: a Present Need Obligation of 10 units and a Prospective Need Obligation of 262 units; 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 Fourth Round 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, 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 containing the vacant and developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the Township has reviewed 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

WHEREAS, based on the foregoing, the Township relies on the DCA calculations of the Township's fair share obligations as modified herein to account for the Township's review of 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 explained in the attached memo prepared by the Township's Affordable Housing Planner, and the Township seeks to commit to provide its fair share of 10 Present Need units and 181 Prospective Need units, 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 adjust its fourth round affordable housing obligation in accordance therewith; 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, the Township reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth Round prospective need obligation should be lower than described herein; and

WHEREAS, in light of the above, the Township Committee finds that it is in the best interest of 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 Committee finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of 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.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey that: (1) the above Whereas clauses are incorporated herein and made part of this Resolution; (2) the Township hereby commits to a Fourth Round affordable housing Present Need obligation of 10 units and Prospective Need obligation of 181 units as set forth in this Resolution and the attached memo from the Township's Affordable Housing Planner and the adoption of a Housing Element and Fair Share Plan in accordance therewith subject to all reservations of rights set forth herein; (3) the Township Attorney shall file a Declaratory Judgment Complaint within 48 hours after adoption of this Resolution attaching this Resolution and the memo of the Township's Affordable Housing Planner as an exhibit; (4) the Township Attorney is hereby authorized to submit and/or file the within Resolution and attached memo from the Township's Affordable Housing Planner with the Program or any other such entity as may be determined to be appropriate; (5) the

Township Clerk shall post on the Township website this Resolution and the attached memo from the Township's Affordable Housing Planner; and (6) this Resolution shall take effect immediately.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		BLICK	X			
X		FINE	X			
	X	KIAN	X			
		CROSON	X			
		LONTAI		X		

CERTIFICATION

I, Donna Hands, Clerk of the Township of Warren, County of Somerset, State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Warren Township Committee at a duly advertised public meeting held on January 30, 2025.


 Donna Hands, Clerk