RESOLUTION R049-2025

WASHINGTON TOWNSHIP
GLOUCESTER COUNTY

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF WASHINGTON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS AS MODIFIED

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act. (N.J.S.A. 52:27D-362 et seq.)(hereinafter "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 the Townshp of Washington's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 157 units and a Prospective Need or New Construction Obligation of 362 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 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, 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 statue, 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 adjustment 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 of Washington 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 of Washing relies on the DCA calculations of the Township of Washington's fair share obligations as modified herein to account for the Township of Washington'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 of Washington's affordable housing planner, and the Township of Washington seeks to commit to provide its fair share of 157 units present need and 362 units prospective need, subject to any vacant land and/or durational adjustment 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 of Washington reserves the right to comply with any additional amendment to the FHA that the Legislature may enact; and

WHEREAS, the Township of Washington 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 of Washington 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 governing body finds that it is in the best interest of the Township of Washington 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 therein; and

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the governing body finds that, as municipality seeking a certification of compliance with the FHA, it is in the best interests of the Township of Washington to direct the filing of an action in fore form of a declaratory judgment complaint within 48 hours after adoption of the within resolution of fair share obligations, or by February , 2025, whichever is sooner.

NOW, THEREFORE, BE IT RESOLVED, this 22 day of January 2025, by the Governing Body of the Township of Washington, County of Gloucester, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution.

2. The Mayor and Council hereby commit to the DCA's Round 4 Present Need Obligation of 157 units, and the DCA's Round 4 Prospective Need Obligation of 362 units, as explained above and in the attached memo from the Township of Washington's affordable housing planner, and subject to all reservations of rights set forth above.

3. The Township hereby directs its Township Attorney, Jerry J. Dasti, Esq. to file a declaratory judgment complaint in Gloucester County within 48 hours after adoption of the within resolution and attaching this resolution as an exhibit with the attached memo.

4. This resolution shall take effect immediately, according to law.

TOWNSHIP OF WASHINGTON

By: _____
Peter Del Borrello, III, Council President

I, Christine Ciallella, do certify this to be a true copy of Resolution **R049-2025** adopted by the Township of Washington, Gloucester County, at the regular meeting held on January 22, 2025 and shall take effect immediately.

By: _____
Christine Ciallella, RMC, CMR
Township Clerk

Members	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Yerkes	X		X				
Harris			X				
Bennett			X				
Brown		X	X				
Del Borrello			X				