



Resolution offered: Councilwoman Sieg	No. 2025-68
Resolution seconded by: Councilman Tolomeo	

**RESOLUTION ADOPTING THE TOWNSHIP'S FAIR SHARE AFFORDABLE HOUSING OBLIGATION FOR THE FOURTH ROUND**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), (the "Amended Act") each municipality must adopt a binding resolution no later than January 31, 2025, determining its present and prospective fair share obligation for the Fourth Round; and

**WHEREAS**, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Amended Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report"), which calculated River Vale Township's Affordable Housing Obligation at 195 units for the 2025-2035 period based on its interpretation of the Amended Act; and

**WHEREAS**, the DCA Report set the municipal obligation for the Township of River Vale as follows:

Prospective Need: 195 units for the 2025-2035 period.

**WHEREAS**, the Amended Act provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended Act would support lower calculations of Fourth Round affordable housing obligations; and

**WHEREAS**, Township Planning Consultant Sanyogita S. Chavan, AICP, PP issued a memorandum to the Township dated January 23, 2025, containing an evaluation of the accuracy of the DCA information and calculations used to determine the municipal obligation for the Township of River Vale. A copy of this Memorandum is attached hereto; and

**WHEREAS**, the Township Planner's analysis adjusted the Land Capacity Factor to 147 units, which is 48 units less than the DCA's calculated obligation of 195 units. The calculation for the Land Capacity Factor was adjusted by excluding properties that are not vacant or developable, including preserved open space, developed properties, and land listed in the NJDEP Recreation and Open Space Inventory (ROSI). This adjustment reduced the total housing obligation from 195 units to 147 units; and

**WHEREAS**, excluding these properties, the actual amount of developable land in River Vale is 1.27 acres resulting in a Land Capacity Factor of 0.06%. This adjustment lowers the housing obligation by 48 units to 147 (a total reduction of 48 units from the original 195 units)

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of River Vale, in the County of Bergen and State of New Jersey, as follows:

1. River Vale Township hereby determines, based on the DCA Report and the evaluation of the accuracy of the DCA information and calculations by the Township Planner, to modify the obligations set forth in the DCA Report and declare the municipal Affordable Housing obligation to be:

Prospective Need: 195 units for the 2025-2035 period.

Adjusted Need: 147 units for the 2025-2035 period.

2. The Township's Fourth Round Affordable Housing Obligation herein established shall be subject to adjustments made to account for future decisions of a court of competent jurisdiction on any challenges to the Amended Act or DCA methodology, any legislative changes adjusting obligations, adjustments in response to any third party challenge to the obligations herein established, and any durational adjustment or vacant land adjustments which will be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.
3. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:

- a. Filing a declaratory judgment action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight hours following adoption of this Resolution
  - b. Publishing this Resolution on the Township's website.
4. This Resolution shall take effect immediately.

Council Member	AYE	NAY	N.V.	A.B	Council Member	AYE	NAY	N.V.	A.B
BEN-YISHAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIEG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRISCUOLO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOLOMEO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DONOVAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

X - Indicates Vote A.B. -- Absent N.V - Not Voting (Abstained or Excused)

Dated: January 27, 2025

I hereby certify that this is a true copy of the Resolution passed by the Township Council at their meeting

held on: January 27, 2025 Attest: Karen Campanelli  
 Karen Campanelli, Township Clerk