

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

RESOLUTION NO. 25-151

**RESOLUTION COMMITTING TO COMPLY WITH AFFORDABLE
HOUSING OBLIGATIONS**

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.) (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, Section 3 of the amended FHA provides that “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with Sections 6 and 7 of the amended FHA; and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 184; 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, 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 biding 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, based on the foregoing, the Township accepts the DCA calculations of the Townshp’s fair share obligations and commits to its fair share of 0 units present need and 184 units 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, the Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in addition to the foregoing, nothing in the amended FHA requires or can require an increase in the Township's Fourth Round obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Council finds that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director of DCA issued Directive #14-24, dated December 13, 2024, pursuant to which a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Township seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Bergen County.

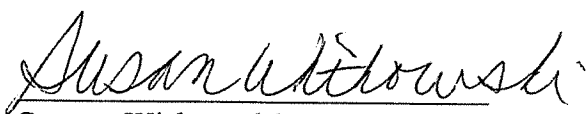
NOW THEREFORE, BE, AND IT IS HEREBY RESOLVED that of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

BE IT FURTHER RESOLVED that the Township hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 184 units described in this resolution subject to all reservations of rights set forth above.

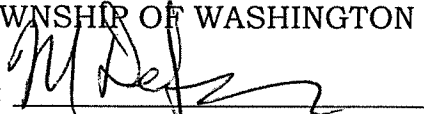
BE IT FURTHER RESOLVED that the Township hereby directs its Counsel to file a declaratory judgment complaint in Bergen County within 48 hours after adoption of the within resolution and to attach a copy of the within resolution to the declaratory judgment complaint.

BE IT FURTHER RESOLVED this resolution shall take effect immediately, according to law.

ATTEST:


 Susan Witkowski,
 Township Clerk

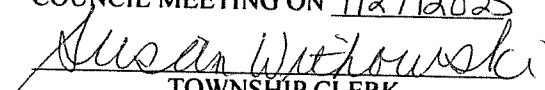
APPROVED:
 TOWNSHIP COUNCIL OF THE
 TOWNSHIP OF WASHINGTON

By: 
 Michael DeSena,
 Council President

Dated: January 27, 2025

COUNCIL	MOTION	SECOND	AYES	NAYES	ABSENT	ABSTAIN	RECUSE
Cascio	X		X				
DeSena			X				
Sears		X	X				
Ullman			X				
Velez			X				

CERTIFIED TO BE A TRUE COPY OF A
 RESOLUTION PASSED AT A TOWNSHIP
 COUNCIL MEETING ON 1/27/2025


 TOWNSHIP CLERK