

**RESOLUTION 2025-36
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON, STATE OF NEW JERSEY**

**RESOLUTION ESTABLISHING THE FOURTH ROUND AFFORDABLE HOUSING
PRESENT NEED AND PROSPECTIVE NEED OBLIGATION FOR THE TOWNSHIP
OF NORTH HANOVER**

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, the DCA Report calculates the Township of North Hanover’s Fourth Round (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 37 and a Prospective Need or New Construction Obligation of 28; 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, 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, based on the foregoing, the Township of North Hanover accepts the DCA calculations of the Township’s fair share obligations and commits to its fair share of 37 units of present need and 28 units of prospective need subject to any vacant land and/or durational adjustments and/or municipal credits, adjustments and compliance mechanisms adopted by COAH that 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 Fourth Round Present or Prospective Need Obligations 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 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 the Courts issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, 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/Township Attorney to file a declaratory relief action within 48 hours of the adoption of the within resolution in Burlington County.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of North Hanover, County of Burlington, State of New Jersey, on this 29th day of January 2025, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of North Hanover hereby commits to the DCA Fourth Round Present Need Obligation of 37 units and the Fourth Round Prospective Need Obligation of 28 units described in this resolution subject to all reservations of rights set forth above
3. The Township hereby directs its Affordable Housing Counsel/Township Attorney to file a declaratory judgment complaint in Burlington County within 48 hours after adoption of the within resolution and to attach a copy of the within resolution to the declaratory judgment complaint.
4. The Township Committee hereby directs the Clerk to submit a copy of the within resolution to the DCA via email to lpmail@dca.nj.gov and to mail a hard copy by certified mail to the DCA Office of Local Planning Services at PO Box 800, Trenton, NJ 08625-0800.
5. This resolution shall take effect immediately, according to law.

| COMMITTEE | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------------|--------|-----|------|------|---------|--------|
| Deputy Mayor Doyle | | X | X | | | |
| Committeeman Forsyth | | | X | | | |
| Committeeman Giberson | | | X | | | |
| Committeeman Palombi | | | X | | | |
| Mayor DeBaecke | X | | X | | | |

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Mayor and Township Committee of North Hanover Township on January 29, 2025.

 Mary Picariello, RMC/CMR/CTC
 Township Clerk