

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

RESOLUTION #2025-86

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE
HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

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 Waterford Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Share of 10 housing units and a Prospective Need or New Construction Share of 52 housing 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, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms previously 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, Waterford Township is located in the Pinelands and has relatively limited land that could be developed and will in all likelihood seek a vacant land adjustment for lands located in the Township's designated Regional Growth Area ; and

WHEREAS, based on the foregoing, Waterford Township accepts the DCA calculations of Waterford Township's fair share obligations and commits to its fair share of 10 units of present need and 52 units of 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, Waterford Township reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Waterford 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 or any other valid permitted demonstrable reason; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Waterford 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 light of the above, the Mayor and Township Committee of the Township of Waterford finds that it is in the best interest of Waterford 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 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, Waterford Township seeks a certification of compliance with the FHA and, therefore, directs David C. Patterson, Esq. to file a declaratory relief action within 48 hours of the adoption of this Resolution in Camden County.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of January, 2025 by the Mayor and Township Committee of the Township of Waterford as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this Resolution.
2. Waterford Township hereby commits to the DCA Round 4 Present Need Obligation of 10 units and the Round 4 Prospective Need Obligation of 52 units described in this Resolution, subject to all reservations of rights set forth above including:
 - a) The right to adjust the number of units based on a windshield and structural condition survey, lack of land, sewer and water availability, regional planning inputs or any combination thereof;
 - b) As set forth in the recitals all rights to adjust its position to amend or revoke this Resolution in the event of a successful legal challenge or legislative change to the applicable provisions of the amended FHA.
3. Waterford Township hereby directs David C. Patterson, Esq. to file a declaratory judgment complaint in Camden County within 48 hours after adoption this Resolution, attaching this Resolution.
4. Waterford Township authorizes David C. Patterson, Esq. to attach this Resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this Resolution with the Program or any other such entity as may be determined to be appropriate.

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

Adopted: January 29, 2025

Dawn M. Liedtka
 Dawn M. Liedtka, RMC
 Township Clerk

Robert Doney
 Robert Doney
 Mayor

| | GIANGIULIO | JONES-FREITAG | THOMPSON | WADE | DONEY |
|---------|------------|---------------|----------|------|-------|
| YES | X | X | X | X | X |
| ABSTAIN | | | | | |
| NO | | | | | |
| ABSENT | | | | | |

CERTIFICATION

I, Dawn M. Liedtka, Township Clerk of the Township of Waterford, do hereby certify that the above is a true and correct copy of a resolution duly adopted by the Mayor and Township Committee at its Meeting held on January 29, 2025, at the Waterford Township Municipal Building, 2131 Auburn Avenue, Atco, New Jersey.

Dawn M. Liedtka
 Dawn M. Liedtka, RMC
 Township Clerk