

**TOWNSHIP OF BELLEVILLE  
ESSEX COUNTY, NEW JERSEY**

**RESOLUTION NO. 015-2025**

**DATE OF ADOPTION: January 28, 2025**

**TITLE:**

**RESOLUTION COMMITTING TO THE NEW JERSEY DEPARTMENT OF  
COMMUNITY AFFAIR'S FOURTH ROUND AFFORDABLE HOUSING PRESENT  
NEED AND PROSPECTIVE NEED CALCULATIONS FOR THE TOWNSHIP OF  
BELLEVILLE**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment (the "Amended FHA") to the Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*)(the "FHA"); and

**WHEREAS**, the Amended FHA requires the New Jersey Department of Community Affairs (the "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 (the "DCA Report") wherein the agency reported its estimate of the obligation for all municipalities in New Jersey based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the Township of Belleville's Round Four obligations (for the years of 2025 - 2035) as follows:

- a Present Need or Rehabilitation Obligation of three hundred twenty four (324), and
- a Prospective Need or New Construction Obligation of zero (0)(and confirming that the Township is a Qualified Urban Aid Municipality); 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 Four affordable housing obligations; and

**WHEREAS**, the Amended FHA further provides in N.J.S.A. 52:27D-311(m) that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions"; and

**WHEREAS**, the regulations of the Council on Affordable Housing authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Township of Belleville accepts the DCA's calculations of Township of Belleville's fair share obligations and commits to its fair share

obligation of three hundred twenty four (324) units of Present Need and zero (0) units of Prospective Need (and confirming that the Township is a Qualified Urban Aid Municipality), 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 of Belleville reserves the right to comply with any additional amendments to the FHA that the New Jersey Legislature may enact; and

**WHEREAS**, the Township of Belleville also reserves the right to adjust its position in the event of any rulings in the case of *Montvale v. New Jersey Affordable Housing Dispute Resolution Program, et al.* (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 Belleville reserves the right to take such position as it deems appropriate in response thereto, including that its Round Four Present or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Mayor and Council of the Township of Belleville 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 New Jersey Courts issued Directive No. 14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive No. 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 of Belleville seeks a certification of compliance with the FHA and, therefore, directs its Redevelopment and Affordable Housing Attorney, The Law Office of Dean J. Donatelli, LLC, to file a declaratory relief action in Morris County within forty eight (48) hours of the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Belleville in the County of Morris, New Jersey that all of the above Whereas Clauses are incorporated into the operative clauses of this Resolution; and

**BE IT FURTHER RESOLVED**, the Township of Belleville hereby commits to the DCA’s Round Four Present Need Obligation of three hundred twenty four (324) units and the Round Four Prospective Need Obligation of zero (0) units (and confirming that the Township is a Qualified Urban Aid Municipality) as described in this Resolution, subject to all reservations of rights set forth above; and

**BE IT FURTHER RESOLVED**, the Township of Belleville hereby directs its Redevelopment and Affordable Housing Attorney, The Law Office of Dean J. Donatelli, LLC, to file a declaratory judgment complaint in Morris County within forty eight (48) hours after adoption this Resolution, attaching this Resolution; and

**BE IT FURTHER RESOLVED**, the Township of Belleville hereby authorizes its Redevelopment and Affordable Housing Attorney 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 Affordable Housing Dispute Resolution Program or any other such entity as may be determined to be appropriate or advisable; and

**BE IT FURTHER RESOLVED**, the Township of Belleville hereby directs the Township Clerk and/or its Redevelopment and Affordable Housing Attorney to publish this Resolution, along with the date of filing with the Affordable Housing Dispute Resolution Program, on the Program's publicly accessible Internet website; and

**BE IT FURTHER RESOLVED**, the Township of Belleville hereby directs the Township Clerk to publish this Resolution on its publicly accessible Internet website, if the Township maintains one; and


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


RESOLUTION#015-2025  
 JANUARY 28, 2025

On a motion by Council Member COZZARELLI  
 Seconded by Council Member GRAZIANO

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				MULDROW	X			
DE PEÑA				X	VELEZ	X			
GRAZIANO	X				MAYOR MELHAM	X			
GUARDABASCO	X								
X - Indicates Vote			N.V. - Not Voting			AB - Absent			

I, Alberto Cabrera, Registered Municipal Clerk, for the Township of Belleville, do hereby certify that the foregoing is a true copy of a resolution adopted by the Belleville Township Council at a meeting held on the 28<sup>th</sup> day of JANUARY, 2025.

  
 Alberto Cabrera, Township Clerk

  
 Steven Martino, Township Attorney

Dean Donatelli, Esq.  
 Redevelopment Counsel