



THE MAYOR AND BOROUGH COUNCIL
of the
BOROUGH OF GLEN RIDGE
County of Essex
State of New Jersey

Tuesday, January 21, 2025

RESOLUTION NO. 49-25

Offered by Councilor **Zimet**
Seconded by Councilor **LEFKOVITS**

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

WHEREAS, the Fair Housing Act (the "FHA"), codified in NJSA 52:27D-301 *et seq.*, has the force of law, and

WHEREAS, on March 20, 2024, FHA amendments to the FHA (the "2024 Amendments") were signed into law, and

WHEREAS:

- (a) the 2024 Amendments required the Department of Community Affairs (the "DCA") to produce on or before October 20, 2024, initial, non-binding estimates of fair share obligations for each municipality, and
- (b) the 2024 Amendments (specifically, L. 2024, c. 2) established the Affordable Housing Dispute Resolution Program (the "Program") within the judiciary for the purpose of resolving disputes associated with the FHA, and

WHEREAS, the governing body of the Borough of Glen Ridge ("Glen Ridge") intends to do each and all of the following:

- (a) meet the mandates of the FHA and its 2024 Amendments in order to have a fully enforceable zoning ordinance which avoids the *ad hoc* nature of builder's remedy lawsuits and
- (b) participate in the Program, and

WHEREAS, on October 18, 2024, the DCA issued a report (the "DCA Report") which was based upon the DCA's interpretation of the standards set forth in the 2024 Amendments and which is titled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background", and

WHEREAS, the DCA Report contains the DCA's calculations of its non-binding estimates of Present Need and Prospective Need for each municipality in an Appendix (the "**Appendix**") at the end of the report, and

WHEREAS, the DCA Report calculates, and the Appendix lists, Glen Ridge's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of zero (0) units and a Prospective Need or New Construction Obligation of 178 units; and

WHEREAS, the 2024 Amendments provide that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the 2024 Amendments would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor, all of which are averaged to yield the municipality's average allocation factor, and

WHEREAS, the 2024 Amendments further provide that "All 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, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2, containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, Glen Ridge has reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, as a result of such review and as more fully set forth below, Glen Ridge has concluded that a small modification of the DCA Prospective Need number is appropriate, specifically a number of 163 instead of 178; and

WHEREAS, the DCA Report used the 2018-2022 American Community Survey Data published by the U.S. Census Bureau to calculate the Income Capacity Factor and the 2019-2023 American Community Survey Data was released by the U.S. Census Bureau on December 12, 2024; and

WHEREAS, Glen Ridge and its affordable housing planner Topology have updated the Income Capacity Factor with the newly available dataset from the U.S. Census Bureau and calculated the updated Income Capacity Factor for Glen Ridge and Region 2, consistent with the methodology set forth in N.J.S.A. 52:27D-304.3; and

WHEREAS, Glen Ridge and its affordable housing planner Topology reviewed Glen Ridge's 1999 and 2023 Commercial and Industrial tax assessment data in detail and identified a change in assessment status for the properties containing Mountainside Hospital in 2014 that required additional review as component inputs of the Nonresidential Valuation Factor methodology set forth in N.J.S.A. 52:27D-304.3; and

WHEREAS, based on the foregoing, Glen Ridge relies on the DCA calculations of Glen Ridge's fair share obligations, as modified herein, to account for Glen Ridge's review of the lands identified by the DCA for each of the following:

- (a) the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the January 17, 2025, memo (the "**Topology Memo**") prepared by Glen Ridge's affordable housing planner Topology, a copy of such memo being attached hereto as "**Attachment One**",
- (b) the income capacity factor with updated Census data based upon the latest release, and
- (c) the nonresidential valuation factor based on local information from the municipal tax assessor; and

in so doing, Glen Ridge seeks to commit to provide its fair share of zero (0) units present need and 163 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 FHA, as amended by the 2024 Amendments and as may be amended from time to time hereafter; and

WHEREAS, the Administrative Director of the Administrative Office of the Courts (the "**AOC**") has established procedures for the Program's operation as set forth in Administrative Directive #14-24 dated December 13, 2024, which requires any municipality which wishes to participate in the Program to file a Declaratory Judgment action in the County in which the municipality is located and attach a copy of a resolution committing to the municipality's Present Need and Prospective Need numbers as calculated by the municipality after considering the DCA's non-binding estimates, and

WHEREAS, in accordance with AOC Directive #14-24, the Mayor and Council find that, because Glen Ridge seeks to avail itself of the Program and is a municipality seeking a certification of compliance with the FHA, it is in Glen Ridge's best interests to do each of the following:

- (a) file the within resolution with the DCA within 48 hours of its adoption and no later than January 31, 2025, and
- (b) file an action in the form of a declaratory judgment complaint within 48 hours of the adoption of the within resolution and no later than February 3, 2025, and

WHEREAS, Glen Ridge recognizes that the resolution of the Present Need and Prospective Need numbers is only the first step on a path to constitutional compliance with the Mount Laurel doctrine and that developing and adopting a Housing Element and Fair Share Plan (which may include credits, adjustments and compliance mechanisms as allowed by the 2024 amendments), followed by the adoption of implementing ordinance, is required and is a process Glen Ridge will embrace, as it continues its compliance with the Mount Laurel doctrine, and

WHEREAS, Glen Ridge wishes to reserve its rights to amend its position if the Legislature changes the statute or the courts by judicial decisions alter the statute or the meaning of the statute, and

WHEREAS, Glen Ridge reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Glen Ridge reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein;

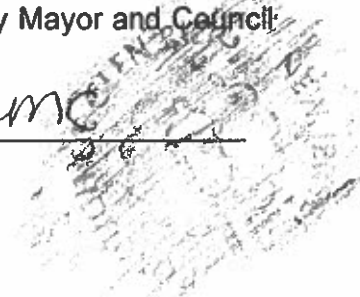
NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025, by the Mayor and Council of Borough of Glen Ridge, County of Essex, State of New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Glen Ridge hereby commits to the DCA's Round 4 Present Need Obligation of zero (0) units and a modification of the DCA's Round 4 Prospective Need Obligation of 178 units to 163 units, as explained above and in the Topology Memo, a copy of which is attached hereto as Attachment One, and subject to all reservations of rights set forth above.
3. Glen Ridge hereby directs its Borough Attorney to file a declaratory judgment complaint in Essex County within 48 hours after adoption of the within resolution and attaching as exhibits thereto both (i) this resolution and (ii) the Topology Memo.
4. Glen Ridge authorizes its Borough Attorney to submit and/or file this resolution and the attached Topology Memo with the Program or any other such entity as may be determined to be appropriate.
5. In this regard, Glen Ridge recognizes the long involvement of the Fair Share Housing Center (the "FSHC") in the matters of exclusionary zoning and affordable housing in New Jersey and will forward a copy of this resolution (with Attachment One) to the FSHC.
6. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Tara Ventola, Clerk of Borough of Glen Ridge, County of Essex, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by Mayor and Council at a meeting held on January 21, 2025.

Taraventola, RMC
Tara Ventola, Clerk



ATTACHMENT ONE

January 17, 2025, memo (the “Topology Memo”) prepared by
Glen Ridge’s affordable housing planner Topology



MEMORANDUM

Date: January 17, 2025
 To: Borough of Glen Ridge
 From: Graham Petto, P.P., AICP, Principal

SUBJECT: **FOURTH ROUND AFFORDABLE HOUSING ASSESSMENT OF DCA NUMBER**

The purpose of this memorandum is to provide an assessment of the non-binding calculations of the Borough of Glen Ridge's Prospective Need Obligation for the Fourth Round of Affordable Housing, published by the NJ Department of Community Affairs. The non-binding calculations were published by the DCA on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer.

Under the prepared calculations, the DCA has presented a non-binding prospective need obligation for the Borough of Glen Ridge of 178 units. The following assessment reviews the component data of the DCA calculation methodology with localized data to either confirm or revise the figures presented by DCA.

I. Land Capacity Factor Assessment

- A. The Land Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.4, and is determined by estimating the area of developable land within the municipality's boundaries, and regional boundaries, which may accommodate development. The DCA conducted the analysis using Land Use / Land Cover data from the NJ DEP, MOD-IV Property Tax Data from the Dept. of Treasury, and construction permit data from the DCA. The DCA calculations of land that may accommodate development exclude lands subject to development limitations, including open space, preserved farmland, category one waterways and wetland buffers, steep slopes and open waters. DCA preserved all areas that remained that were greater than 2,500 SF in size, under the assumption that an area of twenty-five feet by 100 feet may be considered developable.
- B. Under the analysis, the DCA estimates that the Borough of Glen Ridge presently has 0.254 acres of land that may accommodate development. The DCA has calculated that Region 2, which is comprised of Essex, Morris, Union and Warren Counties, contains a total of 5,358.48 acres of developable land. This represents 0.0047% of the amount of developable land across the entire Region 2, which encompasses Essex, Morris, Union, and Warren Counties.
- C. To assess the Land Capacity Factor, Topology extracted the resultant Land Capacity Analysis GIS Composite Layer and overlaid the file with the parcels for the Borough of Glen Ridge, reviewing the configuration of developable land within these parcels. Based upon this parcel-by-parcel review, Topology estimates that 0.254 acres of the 0.254 acres calculated by DCA are not in fact developable. A parcel-by-parcel summary is provided below:
- D. Properties Not Available for Development – 0.254 Acres

PROPERTY	STATUS	DCA DEVELOPABLE ACRES
Block 16, Lot 2 – Planchet Drive (Rear)	This parcel is owned by the Township of Montclair and is a part of Montclair’s Canterbury Park. Canterbury Park is listed on the Township of Montclair’s ROSI – however, given the situation of this lot within Glen Ridge, Montclair has not listed this parcel on their municipal ROSI.	0.178 Acres
Block 102, Lot 11 – 105 Forest Avenue Rear	Long, narrow “developable” area within a landlocked parcel, measuring only 21 feet by 172 feet. No road access, insufficiently dimensioned to accommodate development. 92% of total parcel area (0.89 acres) is constrained by steep slopes.	0.076 Acres

E. Given these conditions of existing properties, Topology estimates that the amount of developable land within the Borough of Glen Ridge should be revised from 0.254 Acres to 0.00 Acres. This would also reduce the total developable land within Region 2 from 5,358.48 acres to 5,358.23 acres. Thus, the Land Capacity Factor for the Borough of Glen Ridge would be modified from 0.0047% as calculated by DCA to 0.00%.

II. Equalized Nonresidential Valuation Assessment

- A. The Equalized Nonresidential Valuation Factor is calculated pursuant N.J.S.A. 52:27D-304.3.C.2 and is determined by calculating the changes in nonresidential property valuations in the municipality, since the beginning of the gap period in 1999. The change in the municipality’s nonresidential valuations is divided by the regional total change in nonresidential valuations to determine the municipality’s share of the regional total change, which is the resulting factor. Data to used is from the Division of Local Government Services in the DCA, which aggregates local assessment information from all municipalities.
- B. Under the DCA calculation, the Borough of Glen Ridge experienced an equalized nonresidential valuation growth of \$200,930,127 between 1999 and 2023. This represents 0.78% of all growth experienced during this period across Region 2.
- C. However, the “growth” in nonresidential valuation does not account for individual property changes to tax assessment status. Rather, the figures simply are the change in the sum of all nonresidential valuation in each time, 1999 and 2023. In 2015, a ruling in the case AHS Hospital Corp. v. Town of Morristown ruled that the Morristown Medical Center is not entitled to tax exemption status on all of its properties within the Town of Morristown. The ruling had an impact on local tax assessments of hospitals across the state. In the Borough of Glen Ridge, Mountainside Hospital was sold, and its tax assessment status was changed in 2014. The hospital and its related facilities had their assessment status updated from tax exempt to taxable commercial. Such change in assessment appears in the nonresidential valuation change as “growth” when in fact, there was no new development, rather a change to the tax ratable status of the facilities.
- D. Given this outcome, an adjustment to the DCA’s equalized nonresidential valuation factor is necessary. In reviewing the 1999 Assessments for the hospital properties, presented in the table below,

the 1999 Equalized Nonresidential Value increases by \$39,193,300, when the hospital facilities are included. This revises the 1999 value from \$25,001,065 to \$64,194,365. Thus, the change in nonresidential valuation between 1999 and 2023 decreases to \$161,736,827 between 1999 and 2023. This represents 0.6% of all the growth experienced during this period across Region 2.

E. Hospital Property Valuation and Assessment Status, 1999

Block	Lot	Prop Class	Prop Class Code Name	Property Location	Acres	Exempt Site Description	Land Value	Improve Value	Net Value
91	1	15D	Church & Charitable Properties	Highland Avenue	0.53	Parking Area (Hospital)	\$86,400	\$31,900	\$118,300
92	18	15D	Church & Charitable Properties	310 Bay Avenue	5.00	Hospital	\$625,000	\$38,450,000	\$39,075,000

III. Income Capacity Factor

- A. The Income Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.3 and is determined by averaging the municipal share of the regional sum of differences between medical household income and the same calculation but weighted by number of households within the municipality. To calculate this value, the DCA used the 2018-2022 5-year Estimates published by the Census Bureau’s American Community Survey program.
- B. Since the publication of the Fair Share Housing Obligations for 2025-2035 by the DCA in October 2024, the U.S. Census Bureau has released the 2019-2023 5-year estimates from the American Community Survey.
- C. Topology has prepared an update of the Income Capacity Factor for Region 2 and the Borough of Glen Ridge to more accurately reflect the current income capacity. Based upon these updates, the following values have been adjusted, using Table S1901: Total Households, Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars) and Table S1903: Median Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars).
- D. The table below presents the revised values for the Income Capacity Factor:

BOROUGH OF GLEN RIDGE, INCOME CAPACITY FACTOR	2018-2022 ACS DATA (DCA)	2019-2023 ACS DATA (TOPOLOGY)
Number of Households	2,462	2,488
Median HH Income in past 12 Months	\$246,429	\$248,016
\$100 Below Regional Median HH Income Floor	\$46,360	\$48,316
Diff. from Median Household Income Floor with Household Weight	\$492,569,878	\$ 496,853,600
HH Weighted Income Difference % of Region Total	1.2%	1.2%
Diff from Median Household Income Floor	\$200,069	\$199,700
Income Difference % of Region Total	2.4%	2.3%
Income Capacity Factor	1.83%	1.76%

IV. Recalculated Fourth Round Obligation Number

Given the revisions detailed above, Topology recommends the Borough of Glen Ridge's allocation factors and prospective need obligations may be revised as follows below.

ALLOCATION FACTOR/PROSPECTIVE NEED	DCA CALCULATION	TOPOLOGY PROPOSED REVISION
Land Capacity Factor	0.00 Factor (0.254 Acres of 5,358.48 Acres in Region 2)	0.00 Factor (0.00 Acres of 5,358.23 Acres in Region 2)
Nonresidential Factor	0.78 Factor (\$200,930,127 growth of \$25,808,891,055 Region 2 growth)	0.63 Factor (\$161,736,827 growth of \$25,769,697,755 Region 2 growth)
Income Capacity Factor	1.83 Factor	1.76 Factor
Average Allocation Factor	0.87 Factor	0.80 Factor
Prospective Need Obligation	178 Units	163 Units

Appendix A – Parcel Assessment

Block 16, Lot 2 – Planchet Drive (Rear)



Figure 1 - Map of Block 16, Lot 2. DCA calculated Developable Area of parcel indicated in green shading. Parcel owned by the Township of Montclair, and is a portion of the adjacent Canterbury Park, which is listed on the NJDEP Recreation and Open Space Inventory.

Block 102, Lot 11 – 105 Forest Avenue (Rear)

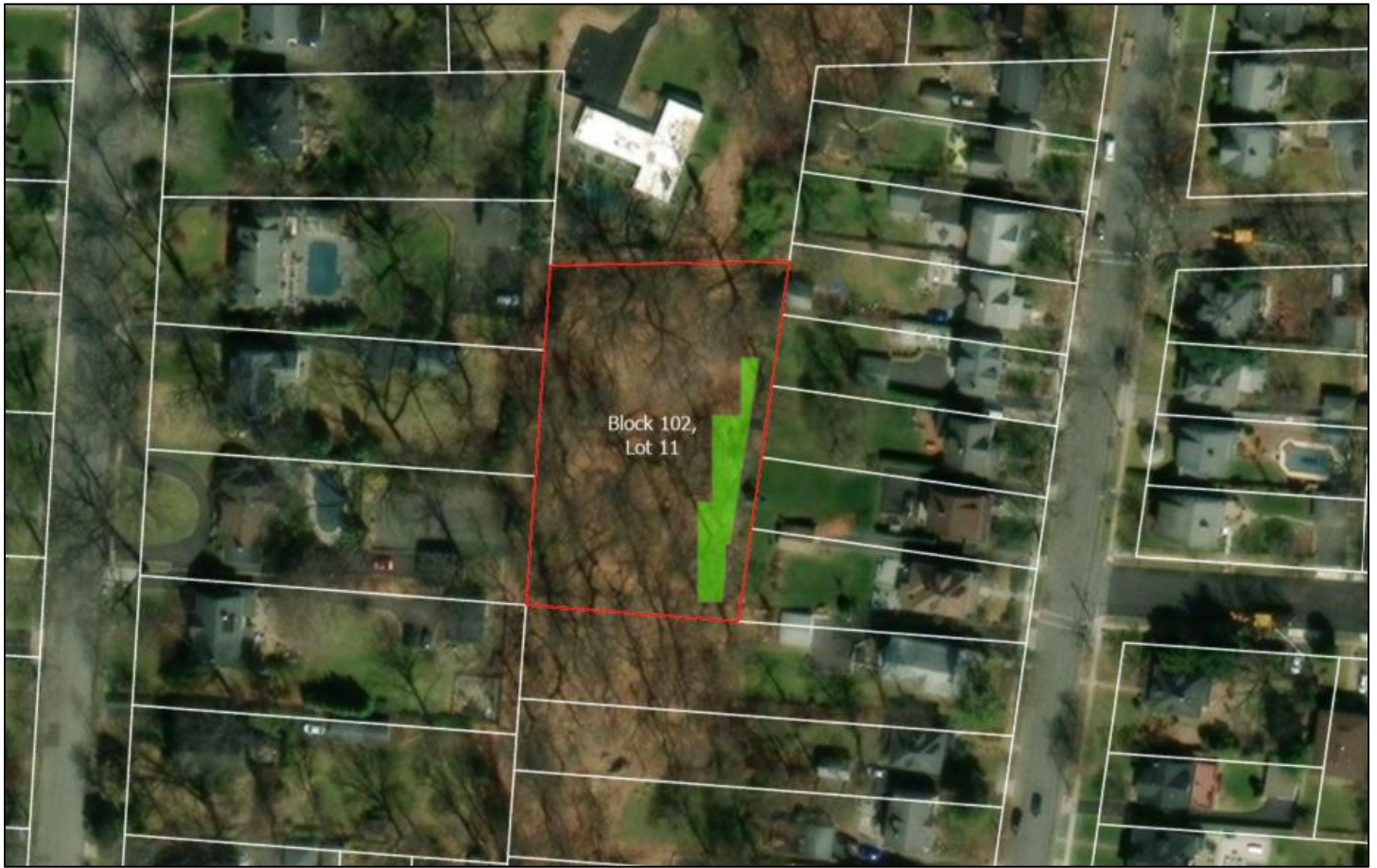


Figure 2 - Map of Block 102, Lot 11. DCA calculated Developable Area of parcel indicated in green shading. Balance of site constrained by steep slopes.

Appendix B - Updated Income Capacity Factor, 2019-2023 American Community Survey Data

Income Capacity Factor Calculation

DCA Municode	County Subdivision FIPS	Municipality	County	Region	Number of Households	Median household income in the past 12 months (in 2023 inflation-adjusted dollars)*	\$100 Below Regional Median HH Income Floor	Diff. from Median Household Income Floor with Household Weight	HH Weighted Income Difference % of Region Total	Diff from Median Household Income Floor	Income Difference % of Region Total	Income Capacity Factor	Qualified Urban Aid
2012	3403959190	Plainfield city	Union	2	16,252	80,334	48,316	0	0.0%	0	0.0%	--	1
2013	3403961530	Rahway city	Union	2	12,155	90,852	48,316	0	0.0%	0	0.0%	--	1
2014	3403964620	Roselle borough	Union	2	8,206	82,967	48,316	0	0.0%	0	0.0%	--	1
2015	3403964650	Roselle Park borough	Union	2	5,236	104,418	48,316	293,750,072	0.7%	56,102	0.6%	0.68%	0
2016	3403966060	Scotch Plains township	Union	2	8,751	173,564	48,316	1,096,045,248	2.7%	125,248	1.4%	2.06%	0
2017	3403970020	Springfield township	Union	2	6,615	146,059	48,316	646,569,945	1.6%	97,743	1.1%	1.35%	0
2018	3403971430	Summit city	Union	2	8,130	199,107	48,316	1,225,930,830	3.0%	150,791	1.7%	2.36%	0
2019	3403974480	Union township	Union	2	21,056	115,938	48,316	1,423,848,832	3.5%	67,622	0.8%	2.12%	0
2020	3403979040	Westfield town	Union	2	10,676	212,700	48,316	1,754,963,584	4.3%	164,384	1.9%	3.08%	0
2021	3403981650	Winfield township	Union	2	769	62,275	48,316	10,734,471	0.0%	13,959	0.2%	0.09%	0
2101	3404100670	Allamuchy township	Warren	2	2,439	130,170	48,316	199,641,906	0.5%	81,854	0.9%	0.72%	0
2102	3404101030	Alpha borough	Warren	2	983	83,125	48,316	34,217,247	0.1%	34,809	0.4%	0.24%	0
2103	3404104990	Belvidere town	Warren	2	1,200	100,334	48,316	62,421,600	0.2%	52,018	0.6%	0.38%	0
2104	3404105160	Blairstown township	Warren	2	2,132	127,907	48,316	169,688,012	0.4%	79,591	0.9%	0.67%	0
2105	3404124960	Franklin township	Warren	2	1,071	126,250	48,316	83,467,314	0.2%	77,934	0.9%	0.55%	0
2106	3404125320	Frelinghuysen township	Warren	2	775	122,006	48,316	57,109,750	0.1%	73,690	0.9%	0.50%	0
2107	3404128260	Greenwich township	Warren	2	1,761	172,417	48,316	218,541,861	0.5%	124,101	1.4%	0.98%	0
2108	3404128710	Hackettstown town	Warren	2	3,790	91,250	48,316	162,719,860	0.4%	42,934	0.5%	0.45%	0
2109	3404129820	Hardwick township	Warren	2	498	124,167	48,316	37,773,798	0.1%	75,851	0.9%	0.48%	0
2110	3404130090	Harmony township	Warren	2	978	93,478	48,316	44,168,436	0.1%	45,162	0.5%	0.31%	0
2111	3404130600	Hope township	Warren	2	762	106,212	48,316	44,116,752	0.1%	57,896	0.7%	0.39%	0
2112	3404133930	Independence township	Warren	2	2,404	101,282	48,316	127,330,264	0.3%	52,966	0.6%	0.46%	0
2113	3404137320	Knowlton township	Warren	2	1,088	98,750	48,316	54,872,192	0.1%	50,434	0.6%	0.36%	0
2114	3404140110	Liberty township	Warren	2	1,056	119,167	48,316	74,818,656	0.2%	70,851	0.8%	0.50%	0
2115	3404141490	Lopatcong township	Warren	2	4,057	88,388	48,316	162,572,104	0.4%	40,072	0.5%	0.43%	0
2116	3404143320	Mansfield township	Warren	2	3,069	94,432	48,316	141,530,004	0.3%	46,116	0.5%	0.44%	0
2117	3404155530	Oxford township	Warren	2	1,387	106,682	48,316	61,517,764	0.1%	58,366	0.7%	0.41%	0
2119	3404158350	Phillipsburg town	Warren	2	6,616	67,782	48,316	128,787,056	0.3%	19,466	0.2%	0.27%	0
2120	3404159820	Pohatcong township	Warren	2	1,387	112,981	48,316	89,690,355	0.2%	64,665	0.7%	0.48%	0
2121	3404172770	Washington borough	Warren	2	3,047	79,280	48,316	94,347,308	0.2%	30,364	0.4%	0.29%	0
2122	3404177300	Washington township	Warren	2	2,567	131,250	48,316	212,891,578	0.5%	82,934	1.0%	0.74%	0
2123	3404180570	White township	Warren	2	2,209	69,519	48,316	46,837,427	0.1%	21,203	0.2%	0.18%	0

Region Income Calculations (Excl. Qualified Urban Aid)

Region	Minimum Median HH Income	Med HH Income Differences x Households	Med HH Income Differences
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