

RESOLUTION R:47-2025

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 the Township of Monroe's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 50 units and a Prospective Need or New Construction Obligation of 303 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 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 Monroe accepts the DCA calculations of the Township of Monroe's fair share obligations and commits to its fair share of 50 units of Present Need and 303 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, the Township of Monroe reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

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

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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, the Township of Monroe seeks a certification of compliance with the FHA and, therefore, directs its attorney, Sandra Graise, Esq., of Florio Perrucci Steinhardt Cappelli and Tipton, to file a declaratory relief action within 48 hours of the adoption of this resolution in Gloucester County.

NOW, THEREFORE, BE IT RESOLVED on this 22nd day of January, 2025 by the Township Council of the Township of Monroe as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Monroe hereby commits to the DCA Round 4 Present Need Obligation of 50 units and the Round 4 Prospective Need Obligation of 303 units described in this resolution, subject to all reservations of rights set forth above.
3. The Township of Monroe hereby directs its attorney, Sandra Graise, Esq., to file a declaratory judgment complaint in Gloucester County within 48 hours after adoption of this resolution, attaching this resolution.
4. The Township of Monroe authorizes its 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 Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.


ADOPTED at a meeting of the Township Council of the Township of Monroe on January 22, 2025.

TOWNSHIP OF MONROE



CNCL. PRES. DONALD HEVERLY

ATTEST:



Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC

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CERTIFICATION OF CLERK

The foregoing Resolution was duly adopted at a meeting of the Township Council of the Township of Monroe, County of Gloucester, State of New Jersey, held on the 22nd day of January 2025 in the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

Aileen Chiselko
Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC

ROLL CALL VOTE

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams	✓			
Cncl. Cope	✓			
Cncl. Fox	✓			
Cncl. O'Reilly	✓			
Cncl. Rossi	✓			
Cncl. Valentine				✓
Cncl. Pres. Heverly	✓			
Tally:	6			1