

EXHIBIT "1"

January 27, 2025

25-60

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, ADOPTING THE TOWNSHIP'S AFFORDABLE HOUSING PRESENT AND PROSPECTIVE NEED OBLIGATIONS FOR THE PERIOD OF JULY 1, 2025 THRU JULY 1, 2035 IN ACCORDANCE WITH P.L. 2024 C.2, AND RESERVING ALL RIGHTS.

WHEREAS, the Township of Boonton (hereinafter "Township") has a demonstrated history of voluntary compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"); and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), in July 2015, the Township filed a Declaratory Judgment Action in Superior Court, Law Division, Morris County, under Docket No. MRS-L-1678-15 ("2015 Action") seeking, amongst other things, a judicial declaration that the Township's Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine"; and

WHEREAS, the Township's 2015 Action ultimately culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, entered on August 6, 2018, which entitles the Township to immunity and precludes Mount Laurel lawsuits and exclusionary zoning litigation, including builder's remedy lawsuits and constitutional compliance lawsuits, from being filed against the Township until after July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law, P.L. 2024, c.2, which among other things, amended various provisions of the FHA, abolished the Committee on Affordable Housing ("COAH") and established the Affordable Housing Dispute Resolution Program ("Program"); and

WHEREAS, P.L. 2024, c.2, sets forth that Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, pursuant to P.L. 2024, c.2, the Township is located in Housing Region 2, which is comprised of Essex, Morris, Union and Warren counties; and

WHEREAS, the amendments to the FHA require the Department of Community Affairs ("DCA") to prepare and publish a report on the calculations of the regional need and each municipality's present and prospective need affordable housing obligations for the Fourth Round within seven months of March 20, 2024; and

WHEREAS, on October 18, 2024 the DCA published its report on the calculations with respect to Statewide regional need and municipal present and prospective need affordable housing obligations for the Fourth Round (the "DCA Report"); and

WHEREAS, pursuant to P.L. 2024, c.2, the DCA has calculated the total statewide prospective need obligation to be 84,698 units, which equates to a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, the DCA Report calculates the Township's non-binding Fourth Round obligations as follows: 1) a Present Need or Rehabilitation obligation of "4"; and 2) a Prospective Need or New Construction Obligation of "81"; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1e of the FHA, the calculations in the DCA Report are not binding on municipalities; and

WHEREAS, rather, pursuant to N.J.S.A. 52:27D-304.1 of the FHA, each municipality is required to determine its respective Fourth Round present and prospective need fair share obligations, and adopt a binding resolution describing the basis for the municipality's determination on or before January 31, 2025; and

WHEREAS, P.L. 2024, c.2, each municipality shall determine its Fourth Round present and prospective need fair share obligations, with consideration of the calculations in the DCA Report, and in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and -304.3 of the FHA using "necessary datasets that are updated to the greatest extent practicable"; and

WHEREAS, the Township's Planner and Municipal Attorney have reviewed the DCA Report along with the underlying data and data sets relied upon by the DCA in reaching its non-binding calculations for the Township, and have carefully considered and analyzed the most up-to-date localized data pertaining to the Township, including, amongst other verifiable data, local land use approvals, environmental constraints and other site specific information, construction permits, and MOD-IV data maintained and on file with the Township with regard to the land capacity and equalized non-residential valuation allocation factors; and

WHEREAS, the Township Planner has further independently calculated the Township's Fourth Round Prospective Need affordable housing obligation based on the formulas, criteria, methodology and datasets required by sections 6 and 7 of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.2 and -304.3); and

WHEREAS, based upon same, the Township has determined to accept the estimates set forth in the DCA Report with respect to the Township's Fourth Round Present Need Obligation of "4" and Fourth Round Prospective Need Obligation of "81" at this time; and

WHEREAS, N.J.S.A. 52:27D-304.1f(1)(b) provides that: “the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of P.L. 2024, c.2 ... [;]” and

WHEREAS, the Township's calculation of its Present Need and Prospective Need obligations is/are entitled to a “presumption of validity” because it complies with sections 6 and 7 of P.L. 2024, c.2; and

WHEREAS, the Township, however, specifically reserves the right to adjust its Prospective Need Obligation, including for any of the foregoing adjustments: 1) a Structural Conditions Survey or similar exterior survey which accounts for a lower resolution of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon a lack of available sewer and/or available water infrastructure); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build-out; and

WHEREAS, in addition to the foregoing, the Township specifically reserves all rights to revoke this Resolution and commitment to its Fourth Round Present Need Obligation and Fourth Round Prospective Need Obligation, in the event of: (1) a successful challenge to P.L. 2024, c.2 as a result of the pending litigation entitled: Township of Montvale et al, v. State of New Jersey, et al., Docket No.: MER-L-1778-24; (2) any other successful challenge to P.L. 2024, c.2, or any directive or regulation adopted pursuant thereto; and/or (3) any subsequent legislative or regulatory enactment which alters or changes the deadlines, calculations, methodology and/or other requirements of P.L. 2024, c.2; and

WHEREAS, the Township further specifically reserves the right to take a position that its Fourth Round Present Need and/or Prospective Need Obligation(s) are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in P.L. 2024, c. 2 requires or can require an increase in the Township's Fourth Round Present Need and/or Prospective Need Obligation(s) based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of P.L. 2024, c.2, is to establish, for example, unchallenged numbers by default as of March 1, 2025; and

WHEREAS, in light of the above, the Mayor and Township Committee of the Township of Boonton finds that it is in the best interest of the Township to declare its commitment to the above-listed Fourth Round obligations by resolution in accordance with P.L. 2024, c.2.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Boonton, in the County of Morris, and State of New Jersey as follows:

1. All of the Whereas Clauses set forth above are hereby incorporated into the operative clauses of this Resolution by reference.

2. The Township hereby commits to a Fourth Round Present Need Obligation of "4" and a Fourth Round Prospective Need Obligation of "81," as described in this Resolution, and which such commitment to the Township's Fourth Round Affordable Housing Obligations be and is hereby subject to the Township's reservation of all rights it may have, as described in this Resolution or otherwise, to revoke, repeal, suspend, amend or modify this Resolution by further action of the Township, including but not limited to, the following:

- a) The right to adjust, modify, cancel, withdraw or revoke the Township's commitment to its Fourth Round Present Need and/or Prospective Need Obligations, and/or to otherwise revoke, repeal, suspend, amend, or modify this Resolution should additional information or evidence become available or discoverable to the Township in the future;
- b) The right to adjust the Township's Present Need Obligation based on the results of a structural conditions survey or similar exterior survey;
- c) The right to adjust the Township's Present and/or Prospective Need Obligation based on lack of available vacant and developable land (vacant land adjustment); lack of available sewer and/or water infrastructure (durational adjustment); due to regional planning inputs, formulas or considerations, including, but not limited to the Highlands Regional Master Plan and its build-out; any other "cap" or adjustment or recognized in the FHA, COAH's regulations or Mount Laurel case law; or any combination of the above;
- d) All rights to revoke this Resolution in the event of a successful legal challenge to P.L. 2024, c.2, a legislative change to P.L. 2024, c. 2, or any successful challenge to any directive or regulation adopted pursuant to P.L. 2024, c.2, or any change or amendment to such directives or regulations;
- e) All rights to take a position that the Township's Fourth Round Present and/or Prospective Need Obligation(s) are lower than described herein in the event that a third party challenges the calculations provided for or relied upon in this Resolution; and/or
- f) All rights to take a position that the Township's Fourth Round Present Need and/or Prospective Need Obligation(s) is/are lower than described herein in the event a third-party claims the Township's Fourth Round Present and/or Prospective Need Obligations require an increase based on a reallocation or modification of the Regional present or prospective Need Obligations allegedly due from successful reduction of the

allocated present and prospective need obligations assigned to another municipality in the Region.

3. The Township's calculation of Present and Prospective Need Obligations is/are entitled to a "presumption of validity" because the calculations comply with sections 6 and 7 of P.L. 2024, c.2.

4. In accordance with N.J.S.A. 52:27D-304.1, the Township hereby directs the Township Attorney to file an action with the Affordable Housing Dispute Resolution Program along with this Resolution and to take all necessary and proper steps to address any challenges to same by any interested parties.


5. The Township further commits to adopt its housing element and fair share plan pursuant to N.J.S.A. 52:27D-304.1f(2) based on this determination on or before June 30, 2025, and hereby further directs the Township Attorney, Township Planner and Township Engineer to begin taking steps to prepare same.

6. A copy of this resolution, along with filing date of Township's action with the Program, shall be placed on the Township's website.


7. A copy of this resolution shall remain on file in the Township Clerk's office and available for public inspection.

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

Adopted: January 27, 2025

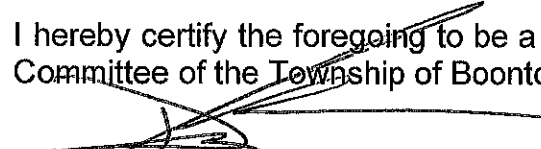


Douglas Cabana, Municipal Clerk



Brian Honah, Mayor

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township Committee of the Township of Boonton at its meeting held on January 27, 2025.



Douglas Cabana, Municipal Clerk
Township of Boonton