

**TOWNSHIP OF JEFFERSON
COUNTY OF MORRIS, NJ**

RESOLUTION #25-63

**“RESOLUTION OF THE TOWNSHIP OF JEFFERSON, COUNTY OF MORRIS,
ADOPTING AN AFFORDABLE HOUSING OBLIGATION FOR THE FOURTH ROUND”**

WHEREAS, the New Jersey Legislature passed into law amendments to the Affordable Housing Act, N.J.S.A. 52:27D-304.1 et seq. via NJ A4/S60 (“Amended FHA”); and

WHEREAS, pursuant thereto, the New Jersey Department of Community Affairs (“DCA”) prepared and submitted a non-binding report on the fourth round affordable housing fair share obligations for all municipalities within the State of New Jersey in October of 2024; and

WHEREAS, the regulations require that municipalities must decide whether to accept its affordable housing fair share obligations promulgated by DCA by resolution adopted on or before January 31, 2025 or risk losing its immunity from exclusionary zoning litigation; and

WHEREAS, the Township of Jefferson has received its DCA fair share housing obligation for the fourth round, which indicates that the Township has a present need of 52 affordable housing units and a prospective need of 274 affordable housing units; and

WHEREAS, the Amended FHA provides that the DCA numbers are non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of fourth round 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, and shall be averaged to yield the municipality’s average allocation factor; and

WHEREAS, the DCA has released 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, Jefferson Township employees and professionals have 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, based on the foregoing, Jefferson Township relies on the DCA calculations of Jefferson Township’s fair share obligations as modified herein to account for Jefferson Township’s review of 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 the Township seeks to commit to provide its fair share of affordable housing, 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’s employees and professionals have reviewed the land capacity factor and prospective need obligation determined by the DCA and have recommend that the Township adopt a resolution indicating a fourth round affordable housing obligation with a present need of 52 units and prospective need obligation of 129 affordable housing units based on finding a reduced land capacity factor which reduced the Township’s average allocation factor; and

WHEREAS, the Township reserves the right to durational adjustments, vacant land adjustments and other adjustments that may be permitted now or in the future based upon relevant law and regulations, which may revise the Township’s fourth round affordable housing obligation.

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

WHEREAS, Jefferson 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; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Jefferson Township 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; and

WHEREAS, in light of the above, Jefferson Township’s Council finds that it is in the best interest of the Township to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

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WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the Jefferson Township Council finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Township to direct the filing of an action in the form of a declaratory judgment complaint within 48 hours after adoption of the within resolution of fair share obligations, or by February 3, 2025, whichever is sooner;

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

1. The Township hereby adopts a fourth round fair share housing obligation with a present need of 52 units and prospective need obligation of 129 affordable housing units; and
2. The Township reserves the right to durational adjustments, vacant land adjustments and other adjustments that may be permitted now or in the future based upon relevant law and regulations, which may revise the Township's fourth round affordable housing obligation; and
3. The Township attorney's office shall file a declaratory judgment action in Morris County within 48 hours of adoption of this resolution, attaching this resolution.

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Garruto			X			
Schultz			X			
Senatore		X	X			
Kalish	X		X			
Birmingham			X			

CERTIFICATION: I, Michele Reilly, Clerk of the Township of Jefferson, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Jefferson Township Council at a meeting held on January 15, 2025.



 Michele Reilly, RMC, Township Clerk