

**RESOLUTION 034-2025
TOWNSHIP COUNCIL - MINE HILL TOWNSHIP
MORRIS COUNTY, NEW JERSEY**

JANUARY 31, 2025

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF MINE HILL TOWNSHIP,
MORRIS COUNTY, NEW JERSEY, ADOPTING THE TOWNSHIP'S
FAIR SHARE AFFORDABLE HOUSING OBLIGATION
FOR 2025 THROUGH 2035 "FOURTH ROUND"**

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b) (herein referred to as the "Amended Act"), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the period of time spanning 2025 through 2035, or "Fourth Round;" and

WHEREAS, pursuant to Administrative Directive No. 14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Amended Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report") providing its estimate of the obligation of all municipalities based on its interpretation of the Amended Act; and

WHEREAS, the DCA Report set the municipal obligation for Mine Hill Township as follows:

Present Need: 13

Prospective Need: 65

WHEREAS, the Amended Act provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended Act would support lower calculations of Fourth Round affordable housing obligations; and

WHEREAS, Township Planning Consultant Daniel N. Bloch, PP, AICP, EADA issued a memorandum to the Township dated January 29, 2025 containing an evaluation of the accuracy of the DCA information and calculations used to determine the municipal obligation for Mine Hill Township, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the evaluation and analysis of the Township Planning Consultant adjusted the Land Capacity Factor after determining that the total developable acreage correctly utilizing the statutory mechanism was 0.539 acres, thus reducing the Land Capacity Factor to 0.01% from the original 0.28%; and

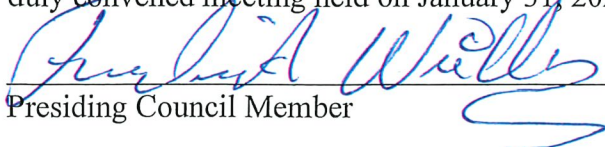
WHEREAS, the Township Planning Consultant’s analysis also confirmed that no adjustment was needed to the DCA determined Equalized Nonresidential Valuation Factor or the Income Capacity Factor and;

WHEREAS, by applying the adjusted land Capacity Factor, the Average Allocation Factor decreased from 0.32% to 0.23%, thus reducing the final housing obligation for Mine Hill Township from 65 units to 47 units;

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

1. The Township Council hereby determines, based on the DCA Report and the evaluation of the accuracy of the DCA Report by the Township’s Planning Consultant, to modify the obligations set forth in the DCA Report and declare the municipal Affordable Housing obligation to be:
Present Need: 13
Prospective Need: 47
2. The Township’s Fourth Round Affordable Housing Obligation herein established shall be subject to adjustments made to account for future decisions of a court of competent jurisdiction on any challenges to the Amended Act or Department of Community Affairs methodology, any legislative changes adjusting obligations, adjustments in response to any third party challenge to the obligations herein established, and any durational adjustment or vacant land adjustments which will be adopted as part of the municipality’s Fourth Round Housing Element and Fair Share Plan.
3. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
 - a. Filing a declaratory judgment action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight hours following adoption of this Resolution.
 - b. Publishing this Resolution on the Township’s website.
4. This Resolution shall take effect immediately.

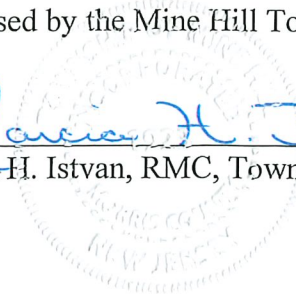
I hereby certify the foregoing to be a true copy of a Resolution passed by the Mine Hill Township Council at a duly convened meeting held on January 31, 2025.



Presiding Council Member



Marcia H. Istvan, RMC, Township Clerk



Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827
Main: 877 627 3772



Memorandum

To: Township of Mine Hill
From: Daniel N. Bloch, PP, AICP, EADA
Date: January 29, 2025
Subject: Fourth Round Allocation Factors
Project No.: MHT0152

P.L. 2024, c.2 specifies the formula and process by which Fourth Round affordable housing obligation numbers are to be calculated. The Department of Community Affairs (DCA) was charged with the preparation of the Fourth Round municipal obligations. DCA published their report on or about October 18, 2024. It was accompanied by a detailed spreadsheet illustrating the various calculations used in determining the Fourth Round affordable housing obligations. The spreadsheet includes a tab for each of the three allocation factors (land capacity, equalized non-residential valuation, and income). However, the spreadsheet only noted an aggregated acreage value for each town. Detailed Geographic Information Systems ("GIS") mapping illustrating the location of the developable areas was not released until November 27, 2024.

The allocation process starts with a state-wide need for affordable housing. DCA has calculated this number to be 84,698 units. This number is allocated amongst the six affordable housing regions. Mine Hill is located in Region 2 – Essex, Morris, Union, and Warren. Region 2 has a Fourth Round obligation of 20,506.

The regional need is then distributed to the non-urban aid municipalities based on three allocation factors:

- Equalized Non-residential Valuation
- Income Capacity
- Land Capacity

Equalized non-residential valuation is determined by the change in value for commercial and industrial parcels between 1999 and 2023. The Township value change is divided by the change in value of Region 2, which produces a percentage. This percentage is the Equalized Non-residential Valuation factor.

Income capacity measures the extent to which the Township's income level differs from that of the lowest-income municipality in its Region. For Region 2, Newark has the lowest median income. The analysis reviews the income difference and does account for number of households in each community. Once again, each community is compared to the Region's aggregate median income difference. Essentially, the higher median income a community has, the higher percentage it is allocated.

Land capacity estimates the total acreage that is developable based on 2020 aerial imagery. The Township's developable acreage is divided by the Region's total acreage, which produces a percentage. This percentage is the Land Capacity factor.

The three factors are then averaged for each community. That average is then multiplied by the obligation for the municipality's Region.

The information below summarizes the three allocation factors and the average allocation assigned to Mine Hill.

- Non-residential ~ 0.18%
- Land Capacity ~ 0.28%
- Income ~ 0.50%
- Average allocation is 0.32%; therefore the Fourth Round Obligation is 65 (0.32% x 20,506)

DCA provided a detailed excel workbook with their data inputs and calculations. Below is a summary of the data we reviewed and our findings.

Equalized Non-residential Valuation

- 2023 commercial and industrial values are correct (total = \$49,908,500)
- 2023 State Equalization Table Average Ratio – 72.86% from state table on website is correct
- 1999 commercial and industrial values are correct (total = \$20,673,300)
- 1999 State Equalization Table Average Ratio – 94.12% is correct
- The calculations for Mine Hill are correct

Income Capacity

- 2022 number of households is correct (1,396) [2023 number of households is 1,389]
- 2022 median income is correct (\$110,208) [2023 median income is \$113,861]
- Region 2 minimum median income was Newark with \$46,460, correct [2023 Median income for Newark is \$53,818]
- Difference from median household floor with household weight is correct
- Household weighted income difference percentage is correct
- Difference from median household income floor is correct
- Income difference percentage of region is correct
- Income capacity allocation calculations for Mine Hill are correct
- *DCA used 2022 5-year data, which is the latest available. 2023 5-year data was released recently and is included above in brackets for reference.*

Land Capacity

- Table states 14.979 acres – we do not agree with this
 - The DCA GIS data identifies 6 areas within the Township of Mine Hill as developable. These areas total 14.979 acres according to the GIS data. Each area has been assigned a

unique "ObjectID" or identification number. The table attached as **Exhibit A** lists each area's identification number (see column "DCA ObjectID"), and the associated vacant acres identified by DCA.¹ Our office then added a column to identify the block(s) and lot(s) each area encompasses. We then reviewed each area to confirm if it was developable as it stands at the time of this review. Our findings for each of the 6 areas is provided under "Comments". Finally, the table contains a column labeled "Adjusted Developable Acres" based upon the results of our area-by-area analysis.

This detailed evaluation reveals that 2 of the 6 identified areas are developable. Therefore, Mine Hill's developable acreage is 0.539 acres, not 14.979 acres. When this corrected acreage data is entered into DCA's excel spreadsheet² the Township's Land Capacity Factor decreased from 0.28% to 0.01%. The Township's Average Allocation Factor decreased from 0.32% to 0.23% and, accordingly, Mine Hill's Fourth Round Obligation is reduced from 65 to 47 units.

Based upon our review of the data for Mine Hill Township, the GIS analysis prepared by DCA has the following shortcomings:

- It does not capture conservation easements or deed restrictions.
- It fails to account for a lack of street frontage.
- It is blind to block and lot lines and identifies portions of existing developed sites as developable. Many of these instances occur in rear and side yard setback areas.
- It fails to account for area shape and size. For example, areas as narrow as 9 feet are identified as developable.
- It does not take into account utility easements.

Our analysis has identified discrepancies with the data for the allocation factors, specifically the land capacity factor. Once analyzed and updated to reflect the status of developable land, the land capacity factor was reduced which led to a reduction to the overall average allocation factor. Therefore, there was a decrease in the calculated obligations for the Township. As a result, we have reason to object to the Fourth Round obligation DCA has calculated for Mine Hill and request that the obligation be reduced to 47 units.

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¹ Note that the DCA GIS attribute table labels this column as "vacant acres" not developable acres.

² https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml

[nj.gov/dca/dlps/4th_Round_Numbers.shtml](https://www.nj.gov/dca/dlps/4th_Round_Numbers.shtml)

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Exhibit A: DCA Land Capacity Factor Analysis

DCA ObjectID	Weighted Acres	Vacant Acres	Block(s) / Lot(s)	Comments	Adjusted Developable Acres
32584	10.045669	10.045669	B1502/L1	This parcel is approved for an inclusionary housing project.	0
32585	3.79922	3.79922	B1502/L1 & B1102/L1	This parcel is approved for an inclusionary housing project.	0
32586	0.378405	0.378405	B1304/L17	Selection is the buffer between Fireman's Park and the rear yards of the adjacent residential homes. Identified as undevelopable	0
32587	0.211215	0.211215	B1303/L15	Selection area in developable	0.211215
32588	0.2172	0.2172	B1303/L15	Selection area is irregularly shaped and with 150ft wetlands buffer. Identified as undevelopable	0
32589	0.327788	0.327788	B1302/5	Area is developable	0.327788
		14.979497			0.539003