

R78-25**RESOLUTION ACCEPTING 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 Jackson's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 186 and a Prospective Need or New Construction Obligation of 954; 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 biding 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 Jackson accepts the DCA calculations of its fair share obligations of 186 units present need and 954 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 Amended FHA; and

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

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

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 Jackson and Fair Share Housing Center (“FSHC”) previously entered into a Settlement Agreement dated that resolved the Township’s Fourth Round affordable housing obligations (hereinafter the “Agreement”); and

WHEREAS, the Agreement resolved the remaining and unresolved issues and provided a process for the Township to proceed with its affordable housing planning for the Fourth Round in accordance with the new legislation and have agreed that the Township’s total obligation for the Gap Period shall be capped at 250 units and the Prospective Need shall be 750 affordable housing units for the Fourth Round; and

WHEREAS, Jackson seeks a certification of compliance with the FHA and, therefore, directs the Affordable Housing Attorney to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Jackson, County of Ocean, State of New Jersey as follows:

1. The Township of Jackson hereby accepts the DCA Round 4 Present Need Obligation of 186 units and the Round 4 Prospective Need Obligation of 954 units described in this resolution, subject to all reservations of rights set forth above including the right to seek a vacant land and/or durational adjustment as well as incorporate the terms of the Settlement Agreement with Fair Share Housing Center as part of the Housing Element and Fair Share Plan.

2. The Township of Jackson hereby authorizes its Affordable Housing Attorney to file a declaratory judgment complaint in Ocean County within 48 hours after adoption this resolution.

I hereby certify the foregoing to be true copy of a Resolution adopted by the Township Council of the Township of Jackson, Ocean County, New Jersey at their regular meeting held on January 30, 2025.


 Sandra Martin, RMC

Township Council	Motion	Seconded	Ayes	Nays	Abstain	Absent
Councilman Borrelli		X	X			
Councilman Palmeri			X			
Councilman Sargent			X			
Council Vice President Burnstein	X		X			
Council President Kuhn			X			