

EXHIBIT 1**RESOLUTION OF THE TOWNSHIP OF MANNINGTON, COUNTY OF SALEM,
COMPLYING WITH AMENDED FAIR HOUSING ACT**

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 Round 4 (2025-2035) obligations of the Township of Mannington as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation for of 8; 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 Mannington accepts the DCA calculations of its fair share obligations and commits to its fair share of 0 units present need and 8 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

WHEREAS, in addition to setting forth its fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, for example, the New Jersey Institute of Local Government Attorneys (“NJILGA”) has expressed its support for proposed legislation (hereinafter “NJILGA Legislation”) that would reduce Mannington’s Round 4 Prospective Need and would give the Township “90 days from receipt of revised fair share obligations from the [DCA] to provide an amended Housing Element and Fair Share Plan addressing the new number); and

WHEREAS, Mannington supports the NJILGA Legislation and would have the right to reduce its Round 4 obligation in the event that the Legislature enacts the Legislation; and

WHEREAS, similarly, a number of municipalities, led by the Borough of Montvale, have filed suit (MER-L-1778-24) (hereinafter “Montvale Litigation”) seeking to stay the implementation of the Amended FHA for a number of reasons and the outcome of that litigation is uncertain; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Mannington 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 of Mannington finds that it is in the best interest of the Township 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 Mannington seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Salem County.

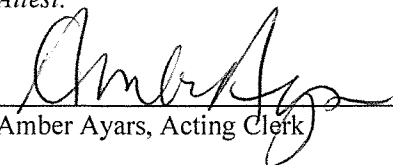
NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025, by the Township of Mannington as follows:


1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Mannington hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 8 subject to all reservations of rights, which specifically include:
 - a) The right to a vacant land adjustment or a durational adjustment in accordance with COAH regulations;
 - b) The right to comply with the NJILGA Legislation if the Legislature enacts it;
 - c) The right to adjust its obligation in the event of any future legislation that adjusts the obligations the DCA reported on October 18, 2024;
 - c) The right to adjust its obligations based upon any ruling in the Montvale Litigation or other litigation; and
 - d) The right to adjust its obligations in the event of a third-party challenge to the obligations of the Township of Mannington and the Township defends itself.
3. The Township of Mannington hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Salem County within 48 hours after adoption this resolution attaching this resolution.
4. The Township of Mannington authorizes its Affordable Housing Counsel 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.

CERTIFICATION

The undersigned Mayor of the Township of Mannington hereby certifies the above as a true copy of a resolution adopted by the Township Committee of the Township of Mannington on **January 27, 2025**.

Attest:


Amber Ayars, Acting Clerk


Donald C. Asay, Mayor