

**TOWNSHIP OF UPPER PITTSGROVE**

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND  
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED  
NUMBERS**

**R-14-2025**

**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 Township of Upper Pittsgrove's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation 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 "all 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 Upper Pittsgrove accepts the DCA calculations of Upper Pittsgrove's fair share obligations and commits to its fair share of zero (0) units present need and eight (8) 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 Upper Pittsgrove reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, the Township of Upper Pittsgrove 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 Upper Pittsgrove 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 Committee of the Township of Upper Pittsgrove finds that it is in the best interest of Upper Pittsgrove 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

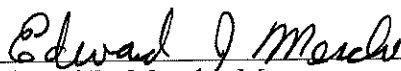
**WHEREAS**, the Township of Upper Pittsgrove seeks a certification of compliance with the FHA and, therefore, directs its attorney, Marla DeMarcantonio to file a declaratory relief action within 48 hours of the adoption of this resolution in Salem County.

**NOW, THEREFORE, BE IT RESOLVED** on this 11th day of February, 2025 by the Township Committee of the Township of Upper Pittsgrove as follows:


1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Upper Pittsgrove hereby commits to the DCA Round 4 Present Need Obligation of zero (0) units and the Round 4 Prospective Need Obligation of eight (8) units described in this resolution, subject to all reservations of rights set forth above.
3. The Township of Upper Pittsgrove hereby directs its attorney, Marla DeMarcantonio to file a declaratory judgment complaint in Salem County within 48 hours after adoption this resolution, attaching this resolution.
4. The Township of Upper Pittsgrove authorizes its attorney, Marla DeMarcantonio 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.

Dated: February 11, 2025

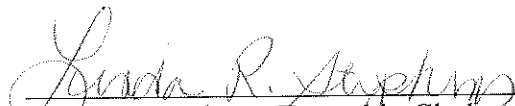
  
Edward R. Meschi, Mayor

Attest:

  
Linda R. Stephens, Township Clerk

CERTIFICATION

I hereby certify that the aforesaid resolution was duly adopted by the Upper Pittsgrove Township Committee at a regular meeting held on February 11, 2025 in the Upper Pittsgrove Township Municipal Building, 431 Route 77, Elmer, New Jersey.

  
Linda R. Stephens, Township Clerk