

**TOWNSHIP OF FREDON
COUNTY OF SUSSEX
RESOLUTION # 2025-28**

**RESOLUTION COMMITTING TO 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. ("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 estimates of Fourth Round (2025-2035) affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, according to the DCA Report, the Township of Fredon ("Fredon") has a Fourth Round Present Need or Rehabilitation obligation of zero (0) units and Fourth Round Prospective Need or New Construction Obligation of seventy (70) units; 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, Fredon accepts DCA's calculation of its Fourth Round fair share obligations and commits to a Fourth Round Present Need or Rehabilitation obligation of zero (0) units and Fourth Round Prospective Need or New Construction Obligation of seventy (70) units, 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, Fredon reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Fredon also reserves the right to adjust its position in the event of any rulings in Borough of Montvale, et al. v. State of New Jersey, et al., bearing Docket Number 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, Fredon reserves the right to take such position(s) as it deems appropriate in response thereto, including that its Round 4 Present and/or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Governing Body of Fredon finds that it is in the best interest of Fredon 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 of New Jersey Courts issued Directive #14-24, dated December 13, 2024, promulgating procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program (“Program”) created by L. 2024, c.2; 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, Fredon seeks a certification of compliance with the FHA and, therefore, directs its Municipal Attorney to file a declaratory relief action within 48 hours after the adoption of this Resolution in Sussex County.

NOW, THEREFORE, BE IT RESOLVED on this 22 day of January 2025 by the Governing Body of Fredon as follows:

1. All of the “Whereas” clauses contained in the above preamble to this Resolution are incorporated into and made a part of the operative clauses of this Resolution.
2. The Township of Fredon hereby commits to a Fourth Round Present Need or Rehabilitation obligation of zero (0) units and Fourth Round Prospective Need or New Construction Obligation of seventy (70) units as described in this Resolution, subject to all reservations of rights set forth above.
3. The Township of Fredon hereby directs its Municipal Attorney to file a declaratory judgment complaint and Civil Case Information Statement seeking

certification of compliance with the Amended FHA in Sussex County within 48 hours after adoption of this Resolution.

4. The Township of Fredon authorizes its Municipal Attorney 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

I, Suzanne Boland, Municipal Clerk of the Township of Fredon, County of Sussex, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Township of Fredon at a meeting held on January 22, 2025.



Suzanne Boland, RMC
Township of Fredon