



## TOWN OF NEWTON

### RESOLUTION #73-2025

January 27, 2025

### “Resolution Regarding the Town of Newton’s Present and Prospective Fair Share Affordable Housing Obligations for the Fourth (4<sup>th</sup>) Round”

**WHEREAS**, on March 20, 2024, an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. was signed into law (“Amended FHA”); and

**WHEREAS**, the Amended FHA requires the New Jersey Department of Community Affairs (“DCA”) to determine non-binding estimates of fair share obligations on or before October 20, 2024; and

**WHEREAS**, on October 18, 2024, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (“DCA Report”), wherein the DCA reported its estimate of the obligations for all municipalities based upon its interpretation of the standards set forth in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the Town of Newton’s (“Town”) Fourth (4<sup>th</sup>) Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of forty-five (45) and a Prospective Need (New Construction) Obligation of seventy-two (72); and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Fourth (4<sup>th</sup>) Round affordable housing obligations; and

**WHEREAS**, pursuant to the Amended FHA, the Town may either accept the determination of its Present and Prospective Need Obligations as calculated by the DCA or make its own determination as to same; 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 binding court decisions”. See N.J.S.A. 52:27D-311(m); and

**WHEREAS**, said COAH regulations authorize municipalities to secure vacant land adjustments, durational adjustments, and other adjustments; and

**WHEREAS**, based on the foregoing, and after careful consideration in conjunction with the advice and input from its various legal and planning professionals, the Town has determined that it is in its best interest to accept the DCA calculations of the Town’s fair share obligations and commits to its fair share of a Present Need (Rehabilitation) Obligation of forty-five (45) and a Prospective Need (New Construction) Obligation of seventy-two (72), subject to any vacant land, durational, and/or other adjustments that the Town may seek as part of its Housing Element and Fair Share Plan (“HEFSP”) that it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Town reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, in the event that a third (3<sup>rd</sup>) party challenges the calculations provided for in this Resolution, the Town reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth (4<sup>th</sup>) Round Present or Prospective Need Obligations should be lower than as described herein;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town hereby commits to its fair share of a Present Need (Rehabilitation) Obligation of forty-five (45) and a Prospective Need (New Construction) Obligation of seventy-two (72) as determined by the DCA for the Fourth (4<sup>th</sup>) Round of affordable housing obligations, subject to any vacant land, durational, and/or other adjustments that the Town may seek as part of its Housing Element and Fair Share Plan ("HEFSP") that it subsequently submits in accordance with the Amended FHA; and

**BE IT FURTHER RESOLVED**, that the Town's Affordable Housing Counsel/Town Attorney is hereby directed and authorized to file a declaratory judgment action with the Superior Court of New Jersey, Sussex County no later than forty-eight (48) hours following adoption of this Resolution seeking a compliance certification regarding its fair share affordable housing obligation for the Fourth (4<sup>th</sup>) Round and that a copy of this Resolution shall be made part of such Court filing; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is further authorized to immediately post a copy of this Resolution on the Town's website.

**CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, January 27, 2025.

  
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Teresa A. Oswin, RMC  
Municipal Clerk