

TOWNSHIP OF VERNON

RESOLUTION #25-49

RESOLUTION ESTABLISHING FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS FOR VERNON TOWNSHIP

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 Vernon Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 33 and a Prospective Need or New Construction Obligation of 304; 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 binding court decisions” (N.J.S.A. 52:27D-311(m)); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality’s average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor, and shall be averaged to yield the municipality’s average allocation factor; and

WHEREAS, the DCA has released Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, Vernon Township employees and professionals have reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based on the foregoing, Vernon Township refined the DCA calculations of Vernon Township's fair share obligations as modified herein to account for Vernon Township's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and the Township seeks to commit to provide its fair share of affordable housing, 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's employees and professionals have reviewed the land capacity factor and prospective need obligation determined by the DCA and have recommend that the Township adopt a resolution indicating a fourth-round affordable housing obligation with a present need of 33 units and prospective need obligation of 194 affordable housing units based on finding a reduced land capacity factor which reduced the Township's average allocation factor; and

WHEREAS, based on the foregoing, Vernon Township accepts the DCA calculations as refined as Vernon Township's fair share obligations and commits to its fair share of 33 units present need and 194 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, Vernon Township reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Vernon Township 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, Vernon Township 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 Council of Vernon Township finds that it is in the best interest of Vernon 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

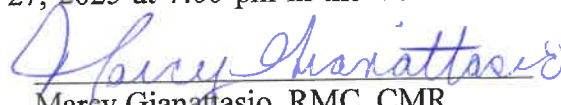
WHEREAS, Vernon Township seeks a certification of compliance with the FHA and, therefore, directs its attorney Louis I. Karp, Esq. to file a declaratory relief action within 48 hours of the adoption of this resolution in Sussex County.

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

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Vernon Township hereby commits to an adjusted DCA Round 4 Present Need Obligation of 33 units and the Round 4 Prospective Need Obligation of 194 units described in this resolution, subject to all reservations of rights set forth above.
3. Vernon Township hereby directs Louis I. Karp, Esq., to file a declaratory judgment complaint in Sussex County within 48 hours after adoption this resolution, attaching this resolution.
4. Vernon Township authorizes Louis I. Karp, Esq., 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. Vernon Township authorizes and directs the Township Planner to prepare a Housing Element and Fair Share Plan for submission to the Dispute Resolution program prior to June 30, 2025.
6. This resolution shall take effect immediately, according to law.

CERTIFICATION

I certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their Reorganization Meeting held on January 27, 2025 at 7:00 pm in the Vernon Municipal Center.


 Marcy Gianattasio, RMC, CMR
 Municipal Clerk

VERNON TOWNSHIP COUNCIL

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Buccieri, N.		X	X			
DeBenedetto, J.	X		X			
Higgins, W.			X			
Sparta, B.			X			
Rizzuto, P.			X			