

**EXHIBIT 1  
RESOLUTION**

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**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**  
**RESOLUTION NO. 47-2025**

**CODE REVIEW &**  
**TOWN PROPERTY COMMITTEE**

**JANUARY 14, 2025**

**WHEREAS**, the Fair Housing Act (FHA) (codified in NJSA 52:27D-301 et seq.) has the force of law, and the governing body of the Town of Westfield intends to meet the mandates of that statute in order to have a fully enforceable zoning ordinance which avoids the ad hoc nature of builder’s remedy lawsuits, and

**WHEREAS**, the 2024 amendments to the Fair Housing Act (2024 amendments) require the Department of Community Affairs (DCA) to produce initial, non-binding estimates of fair share obligations for each municipality, and the 2024 amendments (specifically, L. 2024, c.2) established the Affordable Housing Dispute Resolution Program (Program) within the judiciary for the purpose of resolving disputes associated with the Fair Housing Act, and

**WHEREAS**, the Administrative Director of the Administrative Office of the Courts (AOC) has established procedures for the Program’s operation as set forth in Administrative Directive #14-24 which requires any municipality which wishes to participate in the Program to file a Declaratory Judgment action in the County in which the municipality is located and attach a copy of a resolution committing to the municipality’s Present Need and Prospective Need numbers as calculated by the municipality after considering the DCA’s non-binding estimates, and

**WHEREAS**, the DCA issued a report titled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” which contains the DCA’s calculations of its non-binding estimates of Present Need and Prospective Need for each municipality in an Appendix at the end of the report, and the Appendix lists the Town’s estimated numbers as zero Present Need and a Prospective Need or New Construction Obligation of 397 units, and

**WHEREAS**, the Town of Westfield has reviewed at length the data utilized by DCA with its highly qualified professional planning staff, which concludes that a small modification of the DCA Prospective Need number is appropriate, specifically a number of 364 instead of 397, and

**WHEREAS**, the Town of Westfield seeks to avail itself of the Program and will file the within resolution with the DCA within 48 hours of the adoption of the within resolution and no later than January 31, 2025, and will file a Declaratory Judgment action within 48 hours of the adoption of the within resolution and no later than February 3, 2025, and

**WHEREAS**, the governing body of Westfield recognizes that the resolution of the Present Need and Prospective Need numbers is only the first step on a path to constitutional compliance with the Mount Laurel doctrine and that developing and adopting a Housing Element and Fair Share Plan (which may include credits, adjustments and compliance mechanisms as allowed by the 2024 amendments), followed by the adoption of implementing ordinance, is required and is a process the governing body will embrace, as it continues its compliance with the Mount Laurel doctrine, and

**WHEREAS**, the governing body recognizes the long involvement of the Fair Share Housing Center (FSHC) in the matters of exclusionary zoning and affordable housing in New Jersey, and will forward a copy of the within resolution to the FSHC, and

**WHEREAS**, the governing body of Westfield wishes to reserve rights to amend its position if the Legislature changes the statute or the courts by judicial decisions alter the statute or the meaning of the statute, and

**NOW THEREFORE, BE IT RESOLVED** on this 14<sup>th</sup> day of January, 2025 by the Mayor and Town Council of Westfield as follows:

1. All of the above paragraphs are incorporated in this resolution.
2. The Town commits to the DCA Present Need number of zero and also commits to the DCA’s methodology of calculating Prospective Need but modified from 397 units to 364 units, which modification is detailed and explained in the attached memo from the Town’s affordable housing planner and staff. (Attached memo is Exhibit A)
3. The Town also commits to submitting a Housing Plan element and Fair Share Plan element to the Program, Court and FSHC as required by 2024 amendments.
4. The Town directs its Affordable Housing Counsel to submit the within resolution and attached memo with the DCA within 48 hours of the adoption of the within resolution and no later than January 31, 2025, and to submit it to FSHC.
5. The Town also directs its Affordable Housing Counsel to file the required Declaratory Judgement action within 48 hours of the adoption of the within resolution and no later than February 3, 2025, and to submit it to FSHC.
6. This resolution will take effect upon passage

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I hereby certify that the within Resolution is a true and exact copy of the Resolution adopted by the Westfield Town Council at their meeting on January 14, 2025.



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Maureen Lawshe, RMC  
Town Clerk

# **EXHIBIT A**

# **EXHIBIT A**

## MEMORANDUM

Date: January 14, 2025  
 To: Town of Westfield  
 From: Topology

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**SUBJECT: FOURTH ROUND AFFORDABLE HOUSING  
 ASSESSMENT OF DCA NUMBER**

The purpose of this memorandum is to provide an assessment of the non-binding calculations of the Town of Westfield's Prospective Need Obligation for the Fourth Round of Affordable Housing, published by the NJ Department of Community Affairs. The non-binding calculations were published by the DCA on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer.

Under the prepared calculations, the DCA has presented a non-binding prospective need obligation for the Town of Westfield of 397 units. The following assessment reviews the component data of the DCA calculation methodology with localized data to either confirm or revise the figures presented by DCA.

### I. Land Capacity Factor Assessment

- A. The Land Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.4, and is determined by estimating the area of developable land within the municipality's boundaries, and regional boundaries, which may accommodate development. The DCA conducted the analysis using Land Use / Land Cover data from the NJ DEP, MOD-IV Property Tax Data from the Dept. of Treasury, and construction permit data from the DCA. The DCA calculations of land that may accommodate development exclude lands subject to development limitations, including open space, preserved farmland, category one waterways and wetland buffers, steep slopes and open waters. DCA preserved all areas that remained that were greater than 2,500 SF in size, under the assumption that an area of twenty-five feet by 100 feet may be considered developable.
- B. Under the analysis, the DCA estimates that the Town of Westfield presently has 38.18 acres of land that may accommodate development. The DCA has calculated that Region 2, which is comprised of Essex, Morris, Union and Warren Counties, contains a total of 5,358.48 acres of developable land. As calculated by DCA, the Town of Westfield contains 0.71% of the amount of developable land across the entire Region 2.
- C. To assess the Land Capacity Factor, Topology extracted the resultant Land Capacity Analysis GIS Composite Layer and overlaid the file with the parcels for the Town of Westfield. Each area was further reviewed to ascertain whether land use approvals have been rendered, if the sites contain existing development or utility infrastructure or whether the configuration of developable land within these parcels is in fact developable. Based upon this detailed parcel-by-parcel analysis, Topology estimates that 26.048 acres of the 38.18 acres calculated by DCA are not in fact developable. A parcel-by-parcel summary is provided in the table below. Appendix A includes maps of all properties that have been identified as not available for development.

**D. Properties Not Available for Development – 26.048 Acres**

<b>PROPERTY</b>	<b>STATUS</b>
Block 105, Lot 1 1243 Overhill Street 0.208 Acres	Town owned property with irregularly configured developable area.
Block 106, Lot 1 1242 Overhill Street 0.088 Acres	Town owned property with irregularly configured and insufficient developable area.
Block 306, Lot 72.01 951 Sedgewick Court 0.246 Acres	Town owned property with irregularly configured developable area and presence of wetlands.
Block 1905, Lot 13 3.070 Acres	Property is currently under development.
Block 2904, Lot 1 550 Rahway Avenue 3.030 Acres	Property is State owned and contains the Westfield Armory. Per the 2018 Housing Element and Fair Share Plan, Westfield has no obligation to zone for affordable housing unless certain events trigger Town action.
Block 3405, Lot 4 741 Fourth Avenue 0.181 Acres	Property has insufficient developable area and no street access in Westfield.
Block 3405, Lot 5 733 Fourth Avenue 0.304 Acres	Property has insufficient developable area and no street access in Westfield.
Block 3405, Lot 6 729 Fourth Avenue 0.065 Acres	Property has insufficient developable area and no street access in Westfield.
Block 3405, Lot 7 727 Fourth Avenue 0.016 Acres	Property has insufficient developable area and no street access in Westfield.
Block 3601, Lot 4 250 Gallows Hill Road 0.577 Acres	Property contains Greek Orthodox Church.
Block 3605, Lot 12.02 901 Morris Avenue 0.239 Acres	Property owned by Arc of Union County and Town has subsidized the creation of a 4-bedroom special needs unit on this Site. <sup>1</sup>

<sup>1</sup> No map for this property is included in Appendix A. Property was subdivided in 2017 and available parcel data does not reflect subdivision.

PROPERTY	STATUS
Block 3605, Lot 14.02 933 Morris Avenue 0.077 Acres	Property contains wetlands and serves as stormwater detention basin.
Block 3606, Lot 1.023 934 Morris Avenue 0.110 Acres	Property contains wetlands and serves as stormwater detention basin.
Block 4601, Lot 14 20 Normandy Drive 0.337 Acres	Town owned property encumbered by drainage easement.
Block 4601, Lot 15 706 Willow Grove Road - R 0.032 Acres	Town owned property encumbered by drainage easement.
Block 4601, Lot 16 706 Willow Grove Road - R 0.127 Acres	Town owned property encumbered by drainage easement.
Block 4804, Lot 1.01 803 Grandview Avenue 0.093 Acres	Town owned property with insufficient and irregularly configured developable area.
Block 5015, Lot 1.01 1100 Boulevard 0.467 Acres	Property approved for parking area development. <sup>2</sup>
Block 5303, Lot 1 1300 Lamberts Mill Road 7.495 Acres	Town owned property that contains Westfield Conservation Center.
Block 5402, Lot 34.02 1600 Rahway Avenue 8.22 Acres	Property contains Saint Helen's RC Church and is in flood zone with wetlands present.
Block 5703, Lot 2 319 Delaware Street 1.066 Acres	Town owned property that is landlocked with no road access.

<sup>2</sup> No map for this property is included in Appendix A. Property was subdivided in 2017 and available parcel data does not reflect subdivision.

- E. Given the constraints of these existing properties, Topology estimates that the amount of developable land within the Town of Westfield should be revised to from 26.048 to 12.130 Acres. This would also reduce the total developable land within Region 2 from 5,358.48 acres to 5,332.43 acres. Thus, the Land Capacity Factor for the Town of Westfield would be modified from 0.7% as calculated by DCA to 0.23%.

## II. Equalized Nonresidential Valuation Assessment

- A. The Equalized Nonresidential Valuation Factor is calculated pursuant N.J.S.A. 52:27D-304.3.C.2 and is determined by calculating the changes in nonresidential property valuations in the municipality, since the beginning of the gap period in 1999. The change in the municipality's nonresidential valuations is divided by the regional total change in nonresidential valuations to determine the municipality's share of the regional total change, which is the resulting factor. Data to used is from the Division of Local Government Services in the DCA, which aggregates local assessment information from all municipalities.
- B. Under the DCA calculation, the Town of Westfield experienced an equalized nonresidential valuation growth of \$536,336,666 between 1999 and 2023. This represents 2.08% of all growth experienced during this period across Region 2.
- C. Topology has reviewed the 1999 and 2023 Tax Assessments for the Town of Westfield, by linking them to track changes in assessment status and did not identify any areas that warranted further analysis or correction.

## III. Income Capacity Factor

- A. The Income Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.3 and is determined by averaging the municipal share of the regional sum of differences between median household income and the same calculation but weighted by number of households within the municipality. To calculate this value, the DCA used the 2018-2022 5-year Estimates published by the Census Bureau's American Community Survey program.
- B. The U.S. Census Bureau released an update of the American Community Survey data for the years 2019-2023 on Thursday December 12, 2024.
- C. Topology has updated the calculation for this factor, incorporating these new income data, and found no change to Income Capacity Factor for the Town of Westfield because of the updated data.

## IV. Recalculated Fourth Round Obligation Number

Given the revisions detailed above, Topology recommends the Town of Westfield's allocation factors and prospective need obligations may be revised as follows below:

ALLOCATION FACTOR/PROSPECTIVE NEED	DCA CALCULATION	TOPOLOGY PROPOSED REVISION
Land Capacity Factor	38.18 Westfield Acres of 5,358.48 Region 2 Acres (0.71 Factor)	12.13 Westfield Acres of 5,332.43 Region 2 Acres (0.23 Factor)
Nonresidential Factor	\$536,336,666 (2.08 Factor)	\$536,336,666 (2.08 Factor)
Income Capacity Factor	3.02 Factor	3.02 Factor
Average Allocation Factor	1.94 Factor	1.77 Factor
Prospective Need Obligation	397 Units	364 Units