

**RESOLUTION NO. R2025x18  
TOWN OF BELVIDERE  
WARREN COUNTY, NEW JERSEY  
A RESOLUTION ADOPTING TOWN'S AFFORDABLE HOUSING PRESENT AND  
PROSPECTIVE NEED OBLIGATION FOR THE PERIOD OF JULY 1, 2025 THROUGH  
JUNE 30, 2035 IN ACCORDANCE WITH P.L. 2024c2, AND RESERVING ALL RIGHTS**

WHEREAS, the Town of Belvidere (hereinafter "Town") has a demonstrated history of voluntary compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law, P.L. 2024, c.2, which among other things, amended various provisions of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"), abolished the Council on Affordable Housing ("COAH") and established the Affordable Housing Dispute Resolution Program ("Program"); and

WHEREAS, P.L. 2024, c.2, sets forth that Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, pursuant to P.L. 2024, c.2, the Town is located in Region 2, which is comprised of Warren, Union, Morris and Essex counties; and

WHEREAS, the amendments to the FHA require the New Jersey Department of Community Affairs ("DCA") to prepare and publish a report on the calculations of the regional need and each municipality's present and prospective need affordable housing obligations for the Fourth Round within seven months of March 20, 2024; and

WHEREAS, on October 18, 2024 the DCA published its report on the calculations with respect to Statewide regional need and municipal present and prospective need affordable housing obligations for the Fourth Round (the "DCA Report"); and

WHEREAS, pursuant to P.L. 2024, c.2, the DCA has calculated the total statewide prospective need obligation to be 84,698 units, which equates to a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, the DCA Report calculates the Town's non-binding Round 4 obligations as follows: 1) a Present Need or Rehabilitation obligation of 20; and 2) a Prospective Need or New Construction Obligation of 131; and

WHEREAS, the calculations in the DCA Report are not binding on municipalities; and

WHEREAS, rather, pursuant to N.J.S.A. 52:27D-304.1 of the FHA, each municipality is required to determine its respective Fourth Round present and prospective need fair share obligations, and adopt a binding resolution describing the basis for the municipality's determination on or before

January 31, 2025; and

WHEREAS, P.L. 2024, c.2, each municipality shall determine its Fourth Round present and prospective need fair share obligations, with consideration of the calculations in the DCA Report, and in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and -304.3 of the FHA using “necessary datasets that are updated to the greatest extent practicable”; and

WHEREAS, the Town and its professionals have reviewed the DCA Report along with the underlying data and data sets relied upon by the DCA in reaching its non-binding calculations for the Town against the most up-to-date land use approvals, site specific information, construction permits, and MOD-IV data maintained and on file with the Town with regard to the land capacity and equalized non-residential valuation factor; and

WHEREAS, the Town accepts the estimate set forth in the DCA Report with respect to Present Need of 20; and

WHEREAS, after reviewing the most up-to-date land use approvals, site specific information and MOD-IV data, the Town does not accept the estimate set forth in the DCA Report with respect to the Prospective Need and hereby establishes a Prospective Need of 56; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1f(1)(b) provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of P.L. 2024, c.2 ... [;]” and

WHEREAS, the Town’s calculation of its Present Need and Prospective Need obligations is/are entitled to a “presumption of validity” because it complies with Sections 6 and 7 of P.L. 2024, c.2; and

WHEREAS, the Town, however, specifically reserves the right to adjust its present need and prospective need obligation, including for any of the foregoing adjustments: 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; and/or 2) a Durational Adjustment (whether predicated upon and lack of sewer or lack of water);

WHEREAS, in addition to the foregoing, the Town specifically reserves all rights to revoke this resolution and commitment in the event of: 1) a successful challenge to P.L. 2024, c.2 as a result of the pending litigation entitled: Town of Montvale et al, v. State of New Jersey, et al., Docket No.: MER-L-1778-24; (2) any other such action challenging P.L. 2024, c.2; and/or (3) any subsequent legislative or regulatory enactment which alters or changes the deadlines, calculations, methodology and/or requirements of P.L. 2024, c.2; and

WHEREAS, the Town further specifically reserves the right to take a position that its Round 4 Prospective Need Obligation is lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in P.L. 2024, c. 2 requires or can require an increase in the Town's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of P.L. 2024, c.2, is to establish, for example, unchallenged numbers by default as of March 1, 2025; and

WHEREAS, in light of the above, the Town Council of the Town of Belvidere finds that it is in the best interest of the Town to declare its obligations in accordance P.L. 2024, c.2 in accordance with this resolution.

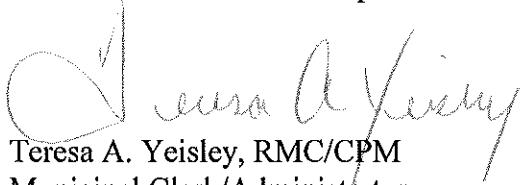
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Belvidere, in the County of Warren, and State of New Jersey as follows:

1. All of the "Whereas" clauses set forth above are hereby incorporated into the operative clauses of this resolution by reference.
2. The Town Council hereby commits to a Round 4 Present Need Obligation of 20 and the Round 4 Prospective Need Obligation of 56, as described in this resolution subject to all reservations of rights, which specifically include:
  - a) The right to adjust the prospective need obligation based on lack of available vacant and developable land, sewer, and/or water, or any combination thereof;
  - b) All rights to revoke this resolution in the event of a successful legal challenge, or legislative or regulatory change to P.L. 2024, c. 2;
  - c) All rights to take a position that Town's Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution; and
  - d) All rights to take a position that the Town's Round 4 Present or Prospective Need Obligations are lower than described herein in the event a third-party claims the Town's Round 4 Present or Prospective Need Obligations require an increase based on a reallocation or modification of the Regional Present or Prospective Need Obligations allegedly due from successful reduction of the allocated present and prospective need obligations assigned to another municipality in the Region.
3. In accordance with N.J.S.A. 52:27D-304.1, the Town hereby directs the Municipal Attorney to file an action with the Affordable Housing Dispute Resolution Program along with this resolution and take all necessary and proper steps to address any challenges to same by any interested parties.
4. The Town's calculation of Present and Prospective Need Obligations is/are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of P.L. 2024, c
5. The Town further commits to adopt its housing element and fair share plan pursuant to N.J.S.A. 52:27D-304.1f(2) based on this determination on or before June 30, 2025, and hereby further directs the Municipal Attorney, Town Affordable Housing Planner and Municipal Engineer to begin taking steps to prepare same.
6. A copy of this resolution shall be uploaded, along with the filing date of the Town's action with the Program, shall be uploaded to the municipal website.
7. A copy of the resolution shall remain on file in the Municipal Clerk's office and available for public inspection.

8. This resolution shall take effect immediately, according to law.

Certification

I, Teresa A. Yeisley, Municipal Clerk/Administrator, Town of Belvidere, Warren County, New Jersey do hereby certify that the foregoing resolution was duly adopted by the Governing Body of the Town of Belvidere at a public meeting held on January 27, 2025.



Teresa A. Yeisley, RMC/CPM  
Municipal Clerk/Administrator

(Seal)

