

EXHIBIT A



TOWNSHIP OF MANSFIELD
COUNTY OF WARREN

RESOLUTION 058-2025

RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, ESTABLISHING THE TOWNSHIP'S PRESENT AND PROSPECTIVE FAIR SHARE OBLIGATIONS FOR AFFORDABLE HOUSING FOR THE FOURTH ROUND 10-YEAR PERIOD OF 2025-2035 AND AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION SEEKING A CERTIFICATE OF COMPLIANCE IN ACCORDANCE WITH THE FAIR HOUSING ACT

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed into law Amendments to the Fair Housing Act, N.J.S.A. 52:37D-301 et. seq., requiring the Department of Community Affairs to conduct a calculation of regional need and municipal present and prospective fair share obligations for affordable housing in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 beginning with the fourth 10-year round of housing obligations commencing July 1, 2025, (hereafter "Fourth Round") and to render a report with regard to the same; and

WHEREAS, the Department of Community Affairs published its report in October of 2024 (hereinafter DCA Report"); and

WHEREAS, the DCA Report calculated the Township's Fourth Round (2025-2035) fair share affordable obligation as a present need of 7 and a prospective need of 418; and

WHEREAS, the DCA Report is not binding upon the municipalities; 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 Amended Fair Housing Act further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments and compliance mechanisms adopted by the Council on Affordable Housing ("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, COAH regulations also empower municipalities to secure vacant land adjustments, durational adjustment and other adjustments; and

WHEREAS, the DCA has released a Geographic Information System 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, the Township of Mansfield has reviewed the lands identified by the DCA for the land capacity factor with respect to 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, pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1), with consideration of the calculation contained in the aforesaid DCA Report, each municipality must determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 by resolution, which describes the basis for the municipality's determination and binds the municipality to adopt a housing element and fair share plan pursuant to paragraph 2 of N.J.S.A. 52:27D-304.1(3)(f); and

WHEREAS, the Township has reviewed the DCA Report titled Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background (hereafter "DCA Report"), and its supporting documents, and engage the services of expert planner, Daniel Block of Colliers Engineering & Design, (hereafter "AHP" or "Affordable Housing Planner") to review the methodology and data contained in the DCA Report; and

WHEREAS, the Affordable Housing Planner is in the process of preparing a report; and

WHEREAS, based on the foregoing, the Township of Mansfield relies on the DCA calculations of the Township of Mansfield's fair share obligations as modified herein to account for the Township of Mansfield's review of lands identified by the DCA for the land capacity factor with respect to MOD-IV Property Tax List data, construction permit data, land use board approvals, to ascertain whether these identified developable lands may accommodate development, and the Township of Mansfield seeks to commit to provide its fair share of present need and prospective need units, subject to any vacant land and/or durational adjustment it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

WHEREAS, based on a review of the DCA Report, it is recommended that the Township Committee adopt a binding resolution accepting the Present Need obligation of 7 units contained in the DCA Report; and

WHEREAS, based on a review of the DCA Report and recommendation of the Township Affordable Housing Planner, it is recommended the Township Committee adopt a binding resolution determining a reduced municipal Prospective Need obligation from that contained in the DCA Report; and

WHEREAS, the Township is aware of certain litigation before the Courts and potential additional changes to the Fair Housing Act, and therefore reserves the right to adjust its obligation based upon any adjudication in the Courts, change in legislation, change in methodology or DCA Report, in the event of a Third-Party challenge, and commits to the within obligation numbers subject to all reservations of rights; and

WHEREAS, in light of the above, the Township Committee of the Township of Mansfield finds it is in the best interest of the Township of Mansfield to declare its commitment to the Present Need obligation reported in the DCA Report and reduced Prospective Need obligation based upon the Affordable Housing Planner's recommendation, subject to the reservations set forth herein; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certificate of compliance with the Fair Housing Act shall file an action in the form of a declaratory judgment complaint in which the municipality is located within 48 hours after adoption of this resolution in Warren County; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1) and in conformance with the formulas set forth in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:37D-304.3, the Township Committee of the Township of Mansfield commits to the present fair share obligation for affordable housing of 7 units based upon the DCA Report and a reduced prospective fair share obligation for affordable housing based upon the DCA Report and recommendation of the Affordable Housing Planner pending issuance of the AHP's report, for the Fourth Round, subject to all reservation of rights, including but not limited to the following:
 - a. The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted ;
 - b. The right to comply with any future changes in legislation that changes its obligations under current law including any additional changes to the FHA;
 - c. The right to adjust the fair share obligations in the event of any future legislation that adjusts the fair share obligations as set forth in the DCA Report calculations;
 - d. The right to adjust its fair share obligation based on any future adjudication by a court of competent jurisdiction; and

- e. The right to adjust its fair share obligation in the event of a Third-Party challenge to the fair share obligations and the Township of Mansfield's response;
3. The Township Attorney is hereby authorized to file a Declaratory Judgment complaint in Warren County seeking a certificate of compliance as to the Township's Fourth Round Affordable Housing obligation, which action shall be filed within 48 hours of the adoption of this resolution and attaching this resolution.
4. A certified copy of this resolution, along with the filing date of the Declaratory Judgment action shall be submitted and/or filed with the Alternate Dispute Resolution Program or any other such entity as may be determined to be appropriate. A certified copy of the resolution shall also be posted on the municipal website.
5. The Township shall adopt a housing element and fair share plan based upon the determinations set forth in this Resolution and as may be adjusted by the Alternate Dispute Resolution Program in accordance with N.J.S.A. 52:27D-304.1(3)(f)(2) or as may be subsequently adjusted based upon the reservation of rights.
6. This resolution shall take effect immediately, according to law.

Motion: Approve Resolution Moved by: Hayes ; Seconded by: Mora Dillon
Vote: Motion carried by roll call vote (Summary: Yes=5)

Yes: Hayes, Mc Guinness, Mora Dillon, Farino, Watters
No:
Abstain:
Absent:

I, Wendy Barras, Township Municipal Clerk of the Township of Mansfield, in the County of Warren, State of New Jersey hereby certify this to be a true copy of the action of the Governing Body, at a Regular Meeting held on January 22, 2025. Witness my hand this 23rd day of January, 2025.


Wendy Barras, Township Municipal Clerk