

# EXHIBIT A

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION #2025-70**

**RESOLUTION OF THE TOWNSHIP OF WASHINGTON, 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 31 and a prospective need of 181; 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 Washington 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 engaged planners Heyer, Gruel & Associates

(hereafter “HGA” or “Affordable Housing Planners”) to review the methodology and data contained in the DCA Report; and

**WHEREAS**, HGA issued its report on January 13, 2025 (hereafter “HGA Report”); and

**WHEREAS**, based on the foregoing, the Township of Washington relies on the DCA calculations of the Township of Washington’s fair share obligations as modified herein to account for the Township of Washington’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 as further set forth in detail and explained in the attached HGA Report, and the Township of Washington 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 and findings made by the HGA Report, it is recommended that the Township Committee adopt a binding resolution accepting the Present Need obligation of 31 contained in the DCA Report; and

**WHEREAS**, based on a review of the DCA Report and findings made by the Township Affordable Housing planners, HGA, in the HGA Report, it is recommended the Township Committee adopt a binding resolution determining a reduced municipal Prospective Need obligation of 94 based on a recalculation of the Land Capacity Factor to account for DCA’s methodology errors and as supported by the HGA report, which is attached hereto and incorporated herein as **Exhibit A**; and

**WHEREAS**, HGA has determined that the Land Capacity Factor must be adjusted downward from 1.77% to .49% by removing the following land, consisting of 69.03 acres, which was formerly included as developable land in the DCA Report calculations;

- (1) Land which previously received subdivision approval for residential use;
- (2) Land included as the result of a technical error which occurred due to an incongruous alignment of the geospatial layers applied as part of the DCA methodology;
- (3) Land which overlaps with an existing conservation and/or greenway easement;
- (4) Land which overlaps with a stream encroachment easement;
- (5) Land which was already included as part of the Township's Third Round obligation and Third Round Housing Element and Fair Share plan; and

**WHEREAS**, upon correcting the Land Capacity Factor per the HGA Report downward from 1.77% to .49%, thus reducing the acreage by 69.03 acres, the Township's Prospective Need obligation is 94 based upon the Fourth Round Methodology contained in the DCA Report as modified by the HGA 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 Washington finds it is in the best interest of the Township of Washington to declare its commitment to the Present Need obligation reported in the DCA Report and Prospective Need obligations reported in the HGA Report, 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.

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Washington, 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 Washington commits to the present fair share obligation for affordable housing of 31 based upon the DCA Report and the Township's prospective fair share obligation for affordable housing of 94 based upon the DCA Report as modified by the HGA 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 Washington's response, including that its prospective need obligation should be lower than described herein;

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 as an exhibit with the HGA Report.

4. A certified copy of this resolution with attached HGA Report, 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.

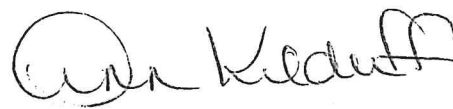
5. The Township shall adopt a housing element and fair share plan based upon the determinations set forth in this Resolution and as may be adjusted by the Alternate Dispute Resolution Program in accordance with N.J.S.A. 52:27D-304.1(3)(f)(2) or as may be subsequently adjusted based upon the reservation of rights.

6. This resolution shall take effect immediately according to law.

Adopted: January 15, 2025

Certification:

I, Ann Kilduff, Clerk of the Township of Washington, County of Warren do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Washington Township Committee on January 15, 2025.



Ann Kilduff, RMC  
Township Clerk