

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2025-25

A motion was made by Councilwoman McGrath; seconded by Councilman Roman that the following resolution be adopted:

VERONA 4TH ROUND NUMBERS DECLARATORY RESOLUTION

WHEREAS, the State Legislature of the State of New Jersey passed, and, on March 18, 2024, Governor Phil Murphy signed, a Bill commonly known as A4/S50 or P.L. 2024, c.2, hereinafter referred to as the 4th Round Rules; and

WHEREAS, the 4th Round rules abolished the Council on Affordable Housing, also known as COAH, and delegated its responsibilities to the New Jersey Department of Community Affairs (hereinafter "DCA"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (hereinafter "DRP"), ordered to be formed by the same law; and

WHEREAS, the 4th Round rules ordered the DCA to calculate and publish, not later than October 20, 2024, the "Prospective Need" and "Present Need" housing obligations for each municipality in the State of New Jersey according to a methodology based largely upon the methodology approved by the Honorable Mary C. Jacobsen, A.J.S.C. of Mercer County on March 8, 2018 for the 3rd Round; and

WHEREAS, the Prospective Need represents the need for newly constructed or preserved affordable housing units projected over the next 10 years, calculated for "regions" consisting of three to four counties and allocated to each municipality based upon factors that consider their available vacant land, median household income, and growth in equalized assessed non-residential property value relative to their region. The Township of Verona is located in Region 2, identified in the 4th Round rules as consisting of all municipalities in Essex, Union, Morris, and Warren Counties; and

WHEREAS, the Present Need represents the need for rehabilitation of substandard homes in the municipality, occupied by low- and moderate-income households, based upon publicly available local estimates of housing that lacks adequate plumbing or kitchens, is overcrowded, is more than 50 years old, and is likely to be occupied by low- and moderate-income households; and

WHEREAS, on October 18, 2024, the DCA published its non-binding calculations of the Prospective and Present Needs for every municipality in New Jersey, which included, for the Township of Verona, a Prospective Need of 173 units and a Present Need of zero (0) units; and

WHEREAS, the 4th Round rules require that every municipality adopt before January 31, 2025, and upload onto the DRP's website within 48 hours, a binding resolution identifying their affordable housing obligations; and

WHEREAS, the rules permit municipalities to either accept the calculations published by DCA or alternative numbers which are based upon the methodology laid out in the 4th Round rules; and

WHEREAS, DMR Architects, the Township's affordable housing planning consultant, has reviewed the data utilized by the DCA and determined that the 23.9 acres considered in the land capacity factor for allocating regional affordable housing need to Verona Township includes 18.5 acres of lands that have been preserved for open space and recreation purposes but which were not included in the State-level mapping used in DCA's calculations; and

WHEREAS, correcting the land capacity factor to account for those 18.5 preserved acres reduces the Township's Prospective Need to 149 units; and

WHEREAS, the 4th Round rules, as written at Section 23 of P.L.2024, c.2 (C.52:27D-310.1), allow built-out communities to seek an adjustment of their Prospective Need obligations based

on a lack of vacant, available, and environmentally unconstrained land on which to build new homes, called a vacant land adjustment, with the caveat that any municipality seeking a vacant land adjustment shall be required to prepare a Housing Element and Fair Share Plan providing for the satisfaction of not less than 25% of its 149-unit Prospective Need, or 38 units; and

WHEREAS, DMR Architects conducted an analysis according to the 4th Round rules and methodologies, and concluded that the Township of Verona was eligible to adjust its 149-unit Prospective Need to 66 units, which exceeds the statutory minimum of 25% of the Prospective Need; and

WHEREAS, the Planning Board of Verona Township shall adopt not later than June 30, 2025 a Housing Element and Fair Share Plan addressing its Prospective and Present Needs, with the Prospective Need to be adjusted to reflect the results of the vacant land analysis but not below 38 units, pursuant to section 23 of P.L.2024, c.2 (C.52:27D-310.1); and

WHEREAS, the Township Council shall adopt not later than March 15, 2026, all ordinances necessary to implement that Plan, as required by the 4th Round rules passed by the Legislature and signed by the Governor; and

WHEREAS, failure to comply with the 4th Round rules -- including but not limited to meeting the deadlines stated herein, or declaring affordable housing obligations that are not consistent with the methodologies dictated and endorsed in the 4th Round rules -- would leave the Township vulnerable to exclusionary zoning or builders' remedy lawsuits that, if successful, would strip the Township of the zoning powers that enable it to control the location, intensity, and design of multi-unit residential development that would produce affordable housing.

NOW, THEREFORE, THE FOLLOWING SHALL BE RESOLVED, by the Township Council of the Township of Verona, Essex County, New Jersey:

1. The Township declares that it has a 149-unit Prospective Need for the 4th Affordable Housing Round, based upon the methodology used by the DCA in calculating the Prospective Need but accounting for the protected status of 18.5 of the 23.9 acres of land included in DCA's calculation of the Township's land capacity relative to that of its affordable housing region and that reduction complies with the requirements and methodologies in sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3); and
2. The Township declares that it has a 0-unit Present Need for the 4th Affordable Housing Round, as calculated by the DCA; and
3. The Township has conducted an analysis of its vacant, available land based upon section 23 of P.L.2024, c.2 (C.52:27D-310.1), and estimates that it will be eligible to adjust its Prospective Need to 66 units. The Township reserves the right and opportunity to update this calculation prior to the adoption of its Fourth Round Housing Element and Fair Share Plan; and
4. The Township Planning Board shall adopt, and the Council shall endorse, a Housing Element and Fair Share Plan, not later than June 30, 2025, that addresses the affordable housing obligations above, as may be adjusted in accordance with the N.J.S.A. 52:27D-301 et seq., P.L. 2024, c.2, and applicable case law and determinations of the Affordable Housing Dispute Resolution Program; and
5. The Township specifically reserves all rights and positions, without prejudice, to revoke this resolution and commitment in the event of a successful challenge to P.L. 2024 c.2 in the context of Borough of Montvale, et al. v. State of New Jersey, Docket No. MER-L-1778-24 or any other such action challenging P.L. 2024 c.2 or calculations of Fourth Round Present or Prospective Obligations, or any legislation adopted and signed into law by the Governor of New Jersey altering the deadlines and/or requirements of P.L. 2024 c.2; and

The Township's Legal Counsel, within 48 hours of the passing of this resolution, file an action with the DRP regarding this resolution in order to maintain the Township's immunity from exclusionary zoning litigation. The Township Clerk shall publish the filing materials and this resolution on a publicly accessible page of the Township's website

ROLL CALL:

AYES: Holland, McGrath, Roman, McEvoy, Tamburro

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON JANUARY 20, 2025.


JENNIFER KIERNAN
MUNICIPAL CLERK

