

**R:25-11**

**Harmony Township**

**Warren County, New Jersey**

**RESOLUTION OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN AND STATE OF NEW JERSEY, COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

**WHEREAS**, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the Township of Harmony's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of four (4) and a Prospective Need or New Construction Obligation of seventy-one (71); and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

**WHEREAS**, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions" (N.J.S.A. 52:27D-311(m)); and

**WHEREAS**, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Township of Harmony accepts the DCA calculations of the Township of Harmony's fair share obligations and commits to its fair share of four (4) units present need and seventy-one (71) units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Township of Harmony reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, the Township of Harmony also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Harmony reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Township Committee of the Township of Harmony finds that it is in the best interest of the Township of Harmony to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA "shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

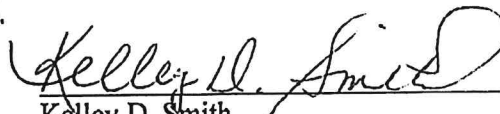
**WHEREAS**, the Township of Harmony seeks a certification of compliance with the FHA and, therefore, directs its Municipal Attorney to file a declaratory relief action within 48 hours of the adoption of this resolution in Warren County.

**NOW, THEREFORE, BE IT RESOLVED** on this 23<sup>rd</sup> day of January, 2025 by the Township Committee of the Township of Harmony as follows:

- 1) All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
- 2) The Township of Harmony hereby commits to the DCA Round 4 Present Need Obligation of four (4) units and the Round 4 Prospective Need Obligation of seventy-one (71) units described in this resolution, subject to all reservations of rights set forth above.
- 3) the Township of Harmony hereby directs its Municipal Attorney to file a declaratory judgment complaint in Warren County within 48 hours after adoption this resolution, attaching this resolution.
- 4) the Township of Harmony authorizes its Municipal Attorney to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.

This resolution shall take effect immediately.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on January 23, 2025.

  
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Kelley D. Smith  
Municipal Clerk