

**Township of Lawrence
County of Mercer**

Resolution No. 73-25

**RESOLUTION 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 Lawrence Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 68 units and a Prospective Need or New Construction Obligation of 320 units; 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 the Township reserves the right to conduct a structural conditions survey to adjust the rehabilitation/present need obligation downward if deemed appropriate; and

WHEREAS, based on the foregoing, the Township of Lawrence accepts the DCA calculations of the Township of Lawrence's Fair Share obligations and commits to its Fair Share of 68 units present need obligation and 320 units prospective need obligation 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 Lawrence reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Township of Lawrence 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 Lawrence 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



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WHEREAS, in light of the above, the Township Council of Lawrence Township finds that it is in the best interest of the Township of Lawrence 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, Mercer County, within 48 hours after adoption of the Township Resolution of Fair Share obligations; and

WHEREAS, the Township of Lawrence seeks a certification of compliance with the FHA and, therefore, directs the Township Attorney to file a Declaratory Relief Action within 48 hours of the adoption of this Resolution in the Superior Court of NJ, Mercer County.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Township Council of Lawrence Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Lawrence hereby commits to the DCA Round 4 Present Need Obligation of 68 units and the Round 4 Prospective Need Obligation of 320 units described in this Resolution, subject to all reservations of rights set forth above.
3. The Township of Lawrence hereby directs it's the Township Attorney to file a Declaratory Judgment Complaint in Mercer County within 48 hours after adoption this Resolution, attaching this Resolution.
4. The Township of Lawrence authorizes the Township 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.
5. This Resolution shall take effect immediately, according to law.

Adopted: January 21, 2025

CERTIFICATION

I, Tonya D. Carter, Municipal Clerk of the Township of Lawrence, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Lawrence Township Council at its Council Meeting held on the 21st day of January, 2025.



Tonya D. Carter, Municipal Clerk

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X					X	
Mr. Kownackl	X						X
Ms. Perry	X						
Mr. Ryan				X			
Mayor Farmer	X						

