

**TOWNSHIP OF DELANCO
(COUNTY OF BURLINGTON)**

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE
HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

RESOLUTION # 2025-32

WHEREAS, on March 20, 2024, P.L. 2024, c.2, was signed into law which amended the Fair Housing Act at 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 estimates of the obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township of Delanco's Fourth Round (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 20 and a Prospective Need or New Construction Obligation of 30; and

WHEREAS, the Amended FHA provides that "All 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 binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, based on the foregoing, the Township of Delanco accepts the DCA calculations of the Township's fair share obligations and commits to its fair share of 20 units present need and 30 units prospective need as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

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

WHEREAS, in the event that the FHA is further amended or any rulings or legal precedents arise after the adoption of this Resolution, the Township of Delanco reserves the right to adjust its position in response to and in light of same, particularly if such a change alters the deadlines and/or requirements placed upon the Township pursuant to the Amended FHA; and

WHEREAS, in light of the above, the Committee of the Township of Delanco finds that it is in the best interest of the Township of Delanco 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 of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024; and

WHEREAS, pursuant to Directive #14-24, “a municipality seeking a certification of compliance with the Amended 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 Delanco seeks a compliance certification with the Amended FHA and, therefore, directs its Township Attorney to file a declaratory relief action within 48 hours of the adoption of this resolution in Burlington County.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025 by the Committee of the Township of Delanco as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Delanco hereby commits to the DCA Fourth Round Present Need Obligation of 20 units and the Fourth Round Prospective Need Obligation of 30 units described in this resolution, subject to all reservations of rights set forth above.
3. The Township of Delanco hereby directs its Township Attorney to file a declaratory judgment complaint in Burlington County within 48 hours after adoption of this resolution, attaching this resolution.
4. The Township of Delanco authorizes its 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. The Township of Delanco hereby directs its Township Clerk to publish this resolution on the Township’s website within 48 hours after adoption of this resolution, attaching this resolution.
6. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Beverly G. Russell, RMC, Deputy Clerk of the Township of Delanco, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township of Delanco Committee at a meeting held on January 27, 2025.

Beverly G. Russell, Deputy Clerk