EXHIBIT 1
RESOLUTION

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TOWNSHIP OF GREENWICH
COUNTY OF WARREN
STATE OF NEW JERSEY

RESOLUTION #31-25

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act ("FHA") which is codified in N.J.S.A. 52:27D-301 et seq. (hereinafter the "Amended FHA") which governs the Fourth Round (2025-2035) of affordable housing obligations of all municipalities in New Jersey; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding calculations of the fair share present need and prospective need obligations of all municipalities in New Jersey on or before October 20, 2024, and further provides that municipalities shall determine their fair share present need and prospective need obligations in accordance with the formulas established in the Amended FHA by adoption of a resolution which shall describe the basis for the municipality's determination, and which resolution shall also commit the municipality to adopt a housing plan element and a fair share plan element ("HPFSP") of the Master Plan based on the determination; and

WHEREAS, the Amended FHA also establishes the Affordable Housing Dispute Resolution Program (the "Program") within the judiciary for the purposes of resolving disputes associated with complying with the Amended FHA and obtaining a certificate of compliance with the Amended FHA, which is the equivalent of a judgment of compliance and repose for the Fourth Round of affordable housing obligations; and

WHEREAS, the Administrative Director of the Administrative Office of the Courts ("AOC") has established procedures for the Program's operation as set forth in AOC Directive #14-24, which requires any municipality which wishes to participate in the Program to file a Declaratory Judgment action in the County in which the municipality is located and attach a copy of a resolution committing to the municipality's fair share present need and prospective need numbers as calculated by the municipality after considering the DCA's non-binding calculations of same;

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its non-binding calculations of the fair share obligations for all municipalities; and

WHEREAS, the DCA Report lists in an Appendix at the end of the DCA Report the Fourth Round fair share obligations of Greenwich Township (the "Township") as follows: a present need obligation of zero (0) units and a prospective need obligation for of 360 units; and

WHEREAS, the Townshp has reviewed the data utilized by DCA in accordance with the formulas set forth in the Amended FHA and concludes that modification of the DCA calculated prospective need number is appropriate based on the latest up to date data, specifically, a modification of the prospective need from 360 to 139, the basis of which is described in the January

15, 2025 memo to the Township Committee from Kendra Lelie, PP, AICP, LLA (the "Planner's memo"), a copy of which is attached hereto as **Exhibit 1**; and

WHEREAS, the Amended FHA further provides that all parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the former Council on Affordable Housing ("COAH") unless those regulations are contradicted by statute, including the Amended FHA or binding court decisions (see N.J.S.A 52:27D-311 (m); and

WHEREAS, based on the foregoing, the Townshp determines that: its present need number is zero (0) units in accordance with the DCA calculation as set forth in the DCA report; and its prospective need number is 139, as described in the Planner's memo, a copy of which is attached hereto as **Exhibit 1**; and

WHEREAS, based on the foregoing, the Townshp commits to have adopted a HPFSP in accordance with the Amended FHA, which it will subsequently file with the Court for submission to the Program, and which will may include credits, adjustments, and compliance mechanisms adopted by COAH, and such other adjustments that may be available under the Amended FHA; and

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

WHEREAS, Townshp 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 of the Township's fair share affordable housing obligations as determined in the within resolution, the Township reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth Round prospective need obligation should be lower than determined herein; and

WHEREAS, in light of the above, the Township finds that it is in its best interest to determine its present need and prospective need fair share affordable housing obligations in the within resolution, to declare its commitment to have adopted a HPFSP to implement its fair share obligations subject to the reservations set forth herein, and to authorize and direct its affordable housing counsel to file a declaratory judgment action in accordance with AOC Directive #14-24 to seek a certification of compliance with the Amended FHA and/or a judgment of compliance and repose; and

NOW, THEREFORE, BE IT RESOLVED on this 16th day of January, 2025 by the Townshp as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Townshp hereby determines that its Fourth Round present need obligation is zero (0) units and prospective need is 139 units, subject to all reservations of rights set forth above.

3. The Township hereby further commits to have adopted a HPFSP to implement its fair share obligations which it will subsequently file with the Court for submission to the Program and may include credits, adjustments, and compliance mechanisms adopted by COAH, and such other adjustments that may be available under the Amended FHA, subject to all reservation of rights set forth above.

4. The Township hereby directs its affordable housing counsel to file a declaratory judgment complaint in Warren County within 48 hours after adoption the within resolution, attaching the within resolution as an exhibit.

5. The Township authorizes its affordable housing counsel to submit and/or file this resolution with such other entities as may be determined to be appropriate.

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

Robert Barsony

Robert Barsony, Mayor

Lisa A. Burd

Lisa A. Burd, RMC, CMC, CTC, CMR
Township Clerk/Administrator

Adopted: January 16, 2025

EXHIBIT A

EXHIBIT A

KMA
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POLICY
PLANNING
DESIGN

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To: **Greenwich Township Committee**

From: Kendra Lelie, PP, AICP, LLA

Re: **Fourth Round Prospective Need**

Date: January 15, 2025

The methodology used by the Department of Community Affairs (DCA) yields a total fourth-round obligation of 747 units which is then limited by what is known of the 20% cap rule. The obligation cannot exceed 20% of total Township households according to the 2020 Census which is 1,798. Applying this 20% cap to the 4th Round obligation limits the affordable housing obligation to 360 units.

The DCA released additional data related to the Land Capacity Factor component that is one of three metrics used to determine a municipal Fourth-Round obligation in accordance with the 2024 Fair Housing Act (FHA). The Land Capacity Factor data was released on November 27, 2024, which was a month after the FHA deadline for the issuance of the non-binding obligation.

In releasing the data, the DCA recognized in the release of the Land Capacity Factor (LCF) information that the identified areas could be over or under inclusive depending on various conditions and a municipality may provide more detailed analysis and mapping to support a different LCF value. The DCA noted that any disputes could be resolved in the Affordable Housing Dispute Resolution process.

In response to this invitation, Kyle + McManus Associates examined the DCA parcel data for the Township which includes land areas identified as developable and found that the DCA was overinclusive. Kyle + McManus Associates further found that when the land allocation factor was corrected, it resulted in a Fourth Round Prospective Need of **139 units.**

Broadly speaking, there are 6 steps to determine the obligation for each municipality. Each step and commentary regarding the potential for alteration of the data input follows:

1. Identify the housing region. Greenwich Township has been and continues to be, as per the FHA, in Region 2. This region includes Warren, Union, Morris and Essex Counties.
2. Determine the regional (affordable housing) need. The FHA sets forth that the regional need for the 10-year round (2025-2035) shall be based on the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. The resulting change

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in households is divided by 2.5. The affordable housing need in Region 2 is determined to be 20,506 dwelling units.

3. Determine the regional and each municipal equalized nonresidential valuation factor. This step requires that the changes in nonresidential property valuations in the municipality, since the beginning of the round preceding the round being calculated, shall be divided by the regional total change in nonresidential valuation. The FHA states the data input shall be that which is published by the Division of Local Government Services. The division annually publishes a summary of municipal tax data, including a *Non-Residential Summary* of *Non-Residential Value*. This data addresses the value of all commercial, industrial, and apartment properties in the municipality. However, the value of the apartment properties are not included in the nonresidential valuation factor.

4. Determine the municipal and regional income capacity factor. This step is an average of 1) the municipal share of the regional sum of the differences between the median municipal household income and an income floor of $100 below the lowest median household income in the region and 2) the municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of $100 below the lowest median household income in the region, weighted by the number of the households in the municipality. The FHA states the data input shall be American Community Survey ("ACS") five-year estimates. The ACS publishes municipal median household incomes as part of its five-year estimates.

5. Determine the municipality's land capacity factor. Estimate municipal developable land using the most recent land use land cover data and weighing such land based on the planning area type in which such land is located. The FHA sets forth one of three weighting factors for a variety of planning areas across the state. Developed areas of the State, such as Planning Areas 1 and 2, Centers, etc. have a weight of 1.0. Rural and environmentally sensitive planning areas have a weight of zero; the remaining areas have a weight of 0.5.

   The parcels identified as developable in the DCA's calculation of the LCF for Greenwich is overinclusive.

   Accordingly, I believe the developable land should be adjusted from 506.8 acres to 28.6 acres. The following criteria were utilized to exclude parcels as developable:

   - Areas or portions of areas <25' wide (because DCA's methodology report states that a 25' by 100' area was their minimum threshold for developability).
   - Areas within the regulatory floodway.
   - Open space/parkland properties with deed restrictions and/or on ROSI.
   - Properties under construction or recently developed.
   - Sites with site plan approvals for development and/or permits issued for development.
   - Public utility parcels, NJDOT/NJ Turnpike Authority parcels, DRPA parcels, railroad properties, rights-of-way, stormwater management, etc.
   - Properties with easements restricting development within developable area.

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- Properties that are within PA4 or PA5.

It is important to note that the LCF analysis is different from the analysis to determine a municipality's entitlement to a vacant land adjustment. While the analysis to correct the LCF focuses on developable land, the vacant land analysis focuses on developable land suitable for inclusionary development. Therefore, just because a parcel may not be removed for purposes of calculating the LCF has no bearing on whether it should be removed for purposes of calculating a vacant land adjustment.

Below is the developable land analysis for Greenwich Township that supports the revised LCF value:

Block	Lot	Property Location	Property Class	Acreage	Planning Area	Not Developable Criteria
16	6	NORTH MAIN ST, 523	3B	0.249	4	PA4- no LCF weight
23	1.05	RT 519	3B	0.105	2	
23	1.05	RT 519	3B	1.041	2	
23	1.05	RT 519	3B	1.311	2	
23	2.01	COUNTY ROUTE 519	15C	3.806	2	No direct access to a road, owned by the Township, preserved land - NOT developable
23.18	7	RT 519	15C	0.062	2	site of sewer pump station - NOT developable
25	1	RT 519, OFF	3B	4.112	2	
25	1.01	RT 519	3B	22.089	2	
26	2	GREENWICH ST	15C	0.059	2	current site of the Willows Affordable Housing development
26	2	GREENWICH ST	15C	15.647	2	
26	26	SOUTH MAIN ST, 636	3B	1.856	4	PA4- no LCF weight
26	30	SOUTH MAIN ST	3B	173.581	4	PA4- no LCF weight

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Block	Lot	Property Location	Property Class	Acreage	Planning Area	Not Developable Criteria
26	31	BEATTY'S ROAD	3B	0.092	4	PA4- no LCF weight
26	33	RT 22	3B	0.179	2	Preserved farmland - NOT developable
31	2	SOUTH MAIN ST	3B	0.131	4	PA4- no LCF weight
31	11.03	RT 173	3B	149.058	4	PA4- no LCF weight
31	12	RT 173	3B	0.149	4	PA4- no LCF weight
31	12	RT 173	3B	1.068	4	PA4- no LCF weight
31	12	RT 173	3B	0.631	4	PA4- no LCF weight
31	12	RT 173	3B	0.431	4	PA4- no LCF weight
31	12	RT 173	3B	1.099	4	PA4- no LCF weight
31	12	RT 173	3B	27.480	4	PA4- no LCF weight
36	1	RT 173	3B	34.431	4	PA4- no LCF weight
36	3	SOUTH MAIN ST	3B	13.148	4	PA4- no LCF weight
39	4	RT 173	1	0.067	4	PA4- no LCF weight
39	4	RT 173	1	0.115	4	PA4- no LCF weight
39	4	RT 173	1	0.293	4	PA4- no LCF weight
39	4	RT 173	1	0.291	4	PA4- no LCF weight
40	1	RT 173	3B	53.582	4	PA4- no LCF weight
40	3.01	RAVINE RD	1	0.700	4	PA4- no LCF weight
28.6	**Developable Acres**					

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6. Determine the municipal obligation. The three factors (nonresidential value, income, and land capacity) are averaged and then applied to the regional need to determine how the need shall be allocated to each municipality.

Fourth Round Obligation
Methodology Summary

	DCA	KMA
Household Change (Region 2)	51,264	51,264
Low & Mod Home Estimate (Region 1)	20,506	20,506
Nonresidential Valuation Factor	0.46%	0.46%
Regional Income Capacity Factor	1.01%	1.01%
Land Capacity Factor	9.65%	0.59%
Average Factor	3.64%	0.68%
Gross Prospective Need	***747 with 20% = 360***	***139***