

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

RESOLUTION No. 2025-127

A motion was made by Deputy Mayor McEvoy; seconded by Councilman Roman that the following resolution be adopted:

**ENDORISING THE VERONA PLANNING BOARD'S APPROVAL OF THE FOURTH
ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

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 ("**DCA**"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (the "**Program**"), ordered to be formed by the same law; and

WHEREAS, on January 20, 2025, the Verona Township Council (the "**Township Council**") adopted Resolution 2025-25 (the "**Binding Resolution**"), proposing to establish the Township's Fourth Round Present and Prospective Need obligations pursuant to the amended Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the "**Amended Act**"); and

WHEREAS, on January 22, 2025, the Township filed the necessary complaint, with the Resolution annexed thereto as Exhibit A, with the Superior Court of New Jersey initiating a declaratory judgment action bearing Docket No. ESX-L-594-25 (the "**DJ Action**") before the Affordable Housing Dispute Resolution Program (the "**Program**"), established pursuant to N.J.S.A. 52:27D-313.2 of the Amended Act, in accordance with the requirements of the Amended Act, and the timeframes set forth in Directive #14-24 issued December 13, 2024 by the Administrative Office of the Courts (the "**Directive**"); and

WHEREAS, the filing of the DJ Action, in accordance with the Act and the Directive, gave the Township immunity from exclusionary zoning ("**Builders Remedy**") lawsuits, which immunity continues to be in full force and effect; and

WHEREAS, the Verona Township Council (the "**Township Council**") entered into a settlement agreement (the "**Settlement Agreement**") with Fair Share Housing Center ("**FSHC**") determining a Fourth Round Present Need obligation for the Township of 0 units and a Fourth Round Prospective Need obligation for the Township of 155 units (the "**Settlement**"); and

WHEREAS, the Prospective Need obligation 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; and

WHEREAS, the Township of Verona (the "**Township**") 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 obligation 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, both the assigned Program Member, the Honorable Julio L. Mendz, J.S.C. (Ret.), and the appointed Special Adjudicator, Elizabeth McManus, recommended the acceptance of the Settlement, and by Order filed April 7, 2025 (the "**Order**"), Essex County Vicinage Designated Mt. Laurel Judge, the Honorable Aldo J. Russo, J.S.C., accepted and adopted the Report and Recommendations for approval of the Settlement submitted by the Program Member, fixing the Township's Fourth Round Present Need obligation at 0 units and Fourth Round Prospective Need obligation of 155 units, consistent with the Settlement terms; and

WHEREAS, the Order, echoing the Amended Act, establishes that the Township must adopt a Housing Element and Fair Share Plan, not later than June 30, 2025, that presents a strategy for satisfying the obligations outlined in the Order and Settlement over the next 10 years, in order to preserve immunity from Builders Remedy lawsuits; and

WHEREAS, in accordance with the Act, the Settlement Agreement and the Order, the Township's Affordable Housing Planning Consultant, Dan Hauben, PP, AICP, of DMR Architects, (the "**Township Affordable Housing Planner**") prepared a Housing Element and Fair Share Plan, dated June 9, 2025, which is on file with the Township's Municipal Clerk which addresses the Township's Present Need and Prospective Need Obligations for the Fourth Round ("**HEFSP**"); and

WHEREAS, the HEFSP includes a Fourth Round spending plan component (the "**Fourth Round Spending Plan**"), pursuant to N.J.S.A. 52:27D-329.2 of the Amended Act, and the Directive, which projects anticipated revenues to the Township's Affordable Housing Trust Fund, and describes estimated expenditures of funds to address its fair share obligation as set forth in the HEFSP and which specifically establishes that the expenditure of funds contemplated in the Fourth Round Spending Plan constitute a 'commitment' for expenditure pursuant to N.J.S.A. 52:27D-329.2(d) of the Amended Act, with the four-year time period beginning to run with the date of collection of the funds as extended by virtue of the date of the Superior Court's approval of this HEFSP; and

WHEREAS, on June 19, 2025, the Planning Board of the Township (the "**Planning Board**"), after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-13, held a public hearing at a Special Meeting to review and consider for adoption the HEFSP prepared by the Township Affordable Housing Planner, addressing the Township's Fourth Round affordable housing obligations, including the Fourth Round Present Need and Prospective Need obligations as established by the Order and, by Resolution 2025-10 adopted June 19, 2025, the Planning Board approved and adopted the HEFSP, finding that the HEFSP is consistent with the goals and objectives of the Township's current Master Plan and that adoption of the HEFSP is in the best interest of the Township; and

WHEREAS, a true and correct copy of the HEFSP, including the Fourth Round Spending Plan component, is annexed hereto as Exhibit A; and

WHEREAS, a true and correct copy of Planning Board Resolution 2025-10 adopting the HEFSP is annexed hereto as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, County of Essex, State of New Jersey as follows:

1. The Township Council hereby adopts the Fourth Round Spending Plan component of the HEFSP.
2. The Township Council hereby endorses the HEFSP as adopted by the Planning Board on June 19, 2025 by Resolution 2025-10.
3. The Township's professionals are directed to continue to take all actions deemed necessary to continue participating in the Program.
4. The Township reserves the right to further amend the HEFSP should that be necessary.

ROLL CALL:

AYES: Roman, McEvoy, Tamburro

NAYS: Holland, McGrath

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 JUNE 23, 2025.


JENNIFER KIERNAN, RMC, CMC
MUNICIPAL CLERK

