

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

RESOLUTION No. 2025-068

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

**AUTHORIZING THE AFFORDABLE HOUSING COUNSEL FOR THE
TOWNSHIP OF VERONA TO EXECUTE A MEDIATION AGREEMENT
WITH FAIR SHARE HOUSING CENTER**

WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2. into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the "Amended Act"); and

WHEREAS, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act; and

WHEREAS, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024 (the "DCA Report"); and

WHEREAS, the DCA report concluded that the Township's fair share obligations for the Fourth Round included a Present Need of 0 units and a Prospective Need of 173 units; and

WHEREAS, the Township Council adopted the required binding resolution of participation on January 20, 2025 (the "Resolution"), proposing to set the Township's affordable housing obligations for the Fourth Round to include a Present Need of 0 units and a Prospective Need of 149 units, and, 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, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to the Township's Resolution, as presented in the DJ Action, on February 28, 2025; and

WHEREAS, FSHC's objection contended that the Township had improperly calculated its Prospective Need obligations and should be required to utilize the calculation prepared by the DCA and set forth within the DCA Report; and

WHEREAS, the Township disputes the contentions raised in FSHC's objection; and

WHEREAS, the parties have engaged in the mediation process provided by the Program and conferred and reached an accord setting forth the Township's Fourth Round Prospective Need obligation, without either party admitting the validity of the other's claims; and

WHEREAS, FSHC and the Township, recognizing that the accord reached by these parties as to the Township's Fourth Round Prospective Need Obligation was reached during the mediation process provided by the Program and prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, by entering into the mediation agreement in the form attached hereto, each acknowledge and agree that 155 units is within the range of possibilities of outcomes in the Program for the Township's Fourth Round Prospective Need; and

WHEREAS, resolving the Township's Fourth Round Prospective Need Obligation at this juncture and allowing the Township to move forward with preparing its Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") is important to the interests of the Township and the interests of lower-income households; and

WHEREAS, the Township Council, acknowledging the benefits of resolving the Township's Fourth Round Prospective Need Obligation by way of agreement with FSHC and avoiding any further challenges thereto and thereby avoiding unnecessary costly litigation, consent to the execution of the attached mediation agreement on behalf of the Township and, upon the approval of the fully executed mediation agreement by the Program, setting forth the Township's Fourth Round Present and Prospective Need Obligations and foreclosing FSHC from presenting any further challenge to said obligations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Verona, Essex County, New Jersey, hereby authorizes and directs the Township's Affordable Housing Counsel, Jaime R. Placek, Esq. of DeCotiis, FitzPatrick, Cole & Giblin, LLP, to execute the mediation agreement in the form attached hereto on behalf of the Township, with such changes thereto that may be deemed appropriate and necessary by the Township's Affordable Housing Legal Counsel, and to take all actions necessary to effectuate the terms set forth in the mediation agreement.

ROLL CALL:

AYES: Holland, McGrath, Roman, McEvoy, Tamburro

NAYS:

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 MARCH 17, 2025.


JENNIFER KIERNAN, RMC, CMC
MUNICIPAL CLERK

