

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

RESOLUTION No. 2026-061

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

**ENDORING THE PLANNING BOARD'S APPROVAL OF THE FIRST
AMENDMENT TO THE 4TH 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, the 4th Round rules ordered the DCA to calculate and publish, not later than October 20, 2024, the "Prospective Need" and "Present Need" housing obligations for each municipality in the State of New Jersey according to a methodology based largely upon the methodology approved by the Honorable Mary C. Jacobsen, A.J.S.C. of Mercer County on March 8, 2018 for the 3rd Round; 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, on October 18, 2024, the DCA published its calculations of the Prospective and Present Need obligations for every municipality in New Jersey, which included, for the Township of Verona, a Prospective Need of 173 units and a Present Need of 0 units; 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 Builder's Remedy lawsuits, which immunity continues to be in full force and effect; and

WHEREAS, Fair Share Housing Center ("**FSHC**") and New Jersey Builders Association ("**NJBA**") each filed a challenge to the DJ Action; and

WHEREAS, a settlement agreement (the "**Settlement Agreement**") was executed by and between the Township and FSHC, with NJBA presenting no objection thereto, 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, both the assigned Program Member, the Honorable Julio L. Mendez, 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 "**Obligation 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, in accordance with the Act, the Binding Resolution, the Settlement Agreement and the Order, the Township's affordable housing planning consultant (the "**Township Affordable Housing Planner**") prepared a Housing Element and Fair Share Plan, dated June 9, 2025 addressing the Township's Present Need and Prospective Need Obligations for the Fourth Round ("**HEFSP**"); and

WHEREAS, by the adoption of Resolution 2025-10 following a public hearing during a duly noticed public meeting on June 19, 2025, pursuant to N.J.S.A. 40:55D-28 and as authorized by order filed April 7, 2025 by the Court in the DJ Action, adopted the HEFSP prepared by the Township Affordable Housing Planner addressing the Township's satisfaction of its Fourth Round Prospective Need and Present Need affordable housing obligations as determined by the Court in the DJ Action and in accordance with applicable law including the Amended FHA; and

WHEREAS, the Township Council, pursuant to the Amended FHA and as authorized by the Obligation Order filed by the Court in the DJ Action, by Resolution 2025-127 adopted during a duly noticed public meeting on June 23, 2025, endorsed the HEFSP as adopted by Resolution 2025-10 of the Planning Board of the Township of Verona; and

WHEREAS, through participation in the Program, the Township amicably resolved by settlement (the "**Program Settlements**") all challenges (the "**DJ Action Challenges**") filed concerning the Township's HEFSP, and the Court, by order filed February 18, 2026 in the DJ Action, approved the Program Settlements resolving all DJ Action Challenges, approved the HEFSP as previously adopted by the Township of Verona Planning Board and endorsed by the Township Council, and authorized the adoption of those amendments to HEFSP as were required by the Program Settlements; and

WHEREAS, following the Township entering into the Program Settlements resolving the DJ Action Challenges, pursuant to and as required by the Amended FHA and the Program Settlements and order of the Court in the DJ Action and as directed by the Township, the Township's Affordable Housing Planner prepared the First Amendment to the Fourth Round HEFSP dated February 17, 2026 (the "**Amended Fourth Round HEFSP**"), making those revisions to the HEFSP as were required by the Program Settlements; and

WHEREAS, by the adoption of Resolution 2026-14 following a public hearing during a duly noticed public meeting on March 3, 2026, pursuant to N.J.S.A. 40:55D-28 and as authorized by the order filed February 17, 2026 by the Court in the DJ Action, adopted the Amended Fourth Round HEFSP prepared by the Township Affordable Housing Planner addressing the Township's satisfaction of its Fourth Round Prospective Need and Present Need affordable housing obligations as determined by the Court in the DJ Action and in accordance with applicable law including the Amended FHA; and

WHEREAS, a true and correct copy of the Amended Fourth Round HEFSP is annexed hereto as Exhibit A; and

WHEREAS, a true and correct copy of Planning Board Resolution 2026-14 adopting the Amended Fourth Round 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 endorses the Amended Fourth Round HEFSP as adopted by the Planning Board on March 3, 2026 by Resolution 2026-14.
2. The Township's professionals are directed to continue to take all actions deemed necessary to continue participating in the Program.
3. The Township reserves the right to further amend the Amended Fourth Round HEFSP should that be necessary.

ROLL CALL:

AYES: Roman, McEvoy, Tamburro

NAYS:

ABSTAIN: 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 MARCH 9, 2026.


JENNIFER KIERNAN, RMC, CMC
MUNICIPAL CLERK

