



# **TOWN OF DOVER**

## **MAYOR & TOWN COUNCIL**

### **RESOLUTION NO. 53-2025**

#### **RESOLUTION COMMITTING TO NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED CALCULATIONS FOR THE TOWN OF DOVER**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment (the “Amended FHA”) to the Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*) (the “FHA”); and

**WHEREAS**, the Amended FHA requires the New Jersey Department of Community Affairs (the “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 (the “DCA Report”) wherein the agency reported its estimate of the obligation for all municipalities in New Jersey based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the Town of Dover’s Round Four obligations (for the years of 2025 - 2035) as follows:

- a Present Need or Rehabilitation Obligation of three hundred forty nine (349), and
- a Prospective Need or New Construction Obligation of one hundred thirteen (113); and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round Four affordable housing obligations; and

**WHEREAS**, the Amended FHA further provides in N.J.S.A. 52:27D-311(m) that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions”; and

**WHEREAS**, the regulations of the Council on Affordable Housing authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Town of Dover accepts the DCA’s calculations of Town of Dover’s fair share obligations and commits to its fair share obligation of three hundred forty nine (349) units of Present Need and one hundred thirteen (113) units of Prospective Need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Town of Dover reserves the right to comply with any additional amendments to the FHA that the New Jersey Legislature may enact; and

**WHEREAS**, the Town of Dover also reserves the right to adjust its position in the event of any rulings in the case of *Montvale v. New Jersey Affordable Housing Dispute Resolution Program, et al.* (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 provided for in this Resolution, the Town of Dover reserves the right to take such position as it deems appropriate in response thereto, including that its Round Four Present or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Mayor and Council of the Town of Dover finds that it is in the best interest of the Town 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 New Jersey Courts issued Directive No. 14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive No. 14-24, “[a] municipality seeking a certification of compliance with the 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 Town of Dover seeks a certification of compliance with the FHA and, therefore, directs its Redevelopment and Affordable Housing Attorney, The Law Office of Dean J. Donatelli, LLC, to file a declaratory relief action in Morris County within forty eight (48) hours of the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Dover in the County of Morris, New Jersey that all of the above Whereas Clauses are incorporated into the operative clauses of this Resolution; and

**BE IT FURTHER RESOLVED**, the Town of Dover hereby commits to the DCA’s Round Four Present Need Obligation of three hundred forty nine (349) units and the Round Four Prospective Need Obligation of one hundred thirteen (113) units as described in this Resolution, subject to all reservations of rights set forth above; and

**BE IT FURTHER RESOLVED**, the Town of Dover hereby directs its Redevelopment and Affordable Housing Attorney, The Law Office of Dean J. Donatelli, LLC, to file a declaratory judgment complaint in Morris County within forty eight (48) hours after adoption this Resolution, attaching this Resolution; and

**BE IT FURTHER RESOLVED**, the Town of Dover hereby authorizes its Redevelopment and Affordable Housing Attorney, The Law Office of Dean J. Donatelli, LLC, 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 Affordable Housing Dispute Resolution Program or any other such entity as may be determined to be appropriate or advisable; and


**BE IT FURTHER RESOLVED**, the Town of Dover hereby directs the Town Clerk and/or its Redevelopment and Affordable Housing Attorney to publish this Resolution, along with the date of filing with the Affordable Housing Dispute Resolution Program, on the Program’s publicly accessible Internet website; and

**BE IT FURTHER RESOLVED**, the Town of Dover hereby directs the Town Clerk to publish this Resolution on its publicly accessible Internet website, if the Town maintains one; and

**BE IT FURTHER RESOLVED**, this Resolution shall take effect immediately, according to law.

ATTEST:

  
Tara M. Pettoni, Municipal Clerk

  
James P. Dodd, Mayor

ADOPTED: 1/14/2025