

**TOWNSHIP OF MANTUA**

**RESOLUTION R 44-2025**

**A RESOLUTION OF THE TOWNSHIP OF MANTUA CONFIRMING THE FOURTH ROUND OF AFFORDABLE HOUSING OBLIGATIONS PURSUANT TO P.L. 2024, c. 2 AND THE FAIR SHARE HOUSING ACT, N.J.S.A. 52:27D-302**

**WHEREAS**, on March 20, 2024, Governor Murphy signed *P.L.2024, c.2.* into law, amending the Fair Housing Act (hereinafter “Amended FHA”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine; and

**WHEREAS**, the Amended FHA requires that the New Jersey Department of Community Affairs (“DCA”) perform a calculation of regional need, and municipal present and prospective affordable housing needs, in accordance with the formulas established in the law; and

**WHEREAS**, on October 18, 2024, the DCA released its “Affordable Housing Obligations For 2025-2035 (Fourth Round)” report (“DCA Report”), establishing the Fourth Round (2025-2035) fair share methodology and estimating non-binding calculations of low- and moderate-income housing obligations for New Jersey’s 564 municipalities; and

**WHEREAS**, the final calculation and obligations for each municipality are presented in an Appendix at the end of the report; and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support a lower fair share calculation; and

**WHEREAS**, per *P.L. 2024, c.2*, in order for Mantua Township to maintain immunity from exclusionary zoning litigation, it must determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of the law by binding resolution no later than January 31, 2025; and

**WHEREAS**, *P.L. 2024, c.2* permits Mantua Township to diverge from the DCA’s calculations in determining its obligations, in case local factors exist that make the calculations unreasonable, so long as Mantua Township adheres to the methodology set forth in *P.L. 2024, c.2*; and

**WHEREAS**, Mantua may take into consideration the calculations in the DCA Report to determine its obligations; and

**WHEREAS**, the present and prospective fair share obligations identified in the DCA Report for Mantua Township were as follows:

- Present Need: 21 units

- Prospective Need: 139 units

**WHEREAS**, based on a review of the DCA Report and findings made by James T. Kyle, P.P., A.I.C.P, Township Affordable Housing Planner, it is recommended that the Township Committee adopt a binding resolution accepting the Present Need obligation of 21 units; and

**WHEREAS**, the Township Planner possesses actual knowledge of present conditions in Mantua, which were not known to the DCA officials that evaluated Mantua through raw data sets and land use/land cover data reflecting land uses and coverages in 2020; and

**WHEREAS**, such present day conditions, history and knowledge could not be known to DCA officials that were evaluating every municipality in the State of New Jersey; and

**WHEREAS**, the Township Planner evaluated DCA's vacant land analysis and identified land in Mantua that should not be included as vacant and developable; and

**WHEREAS**, the Township Planner tabulated these areas and confirmed that the vacant land in Mantua is reduced from 416 acres to 366 acres; and

**WHEREAS**, the Township Planner has determined that the Land Capacity Allocation Factor must be adjusted from 2.2% of the region's vacant land (based on 416 acres) to 1.9% of the region's vacant land (based on 366 acres). The vacant land capacity was adjusted by removing the following land, which was improperly included as developable land in the DCA's calculation:

- Inclusion of properties containing Vacant Land Capacity on the current Recreation and Open Space Inventory ("ROSI");
- Property containing Township owned detention basins; and
- Location of Vacant Land Capacity areas within flood hazard areas.

**WHEREAS**, vacant land is one of three allocation factors to be considered; and

**WHEREAS**, the three allocation factors (land capacity factor, nonresidential valuation factor, and income capacity factor) are averaged to find the "average allocation factor", which is multiplied by the regional prospective need to get the Township's obligation; and

**WHEREAS**, using the DCA's vacant land analysis Mantua's average allocation factor was 1.52% and with the new vacant land number the average allocation factor is 1.43%; and

**WHEREAS**, this reduces the Township's Fourth Round prospective need obligation from 139 units to **131 units**; and

**WHEREAS**, the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of the Act"; and

**WHEREAS**, the Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Act; and

**WHEREAS**, within 48 hours of adoption of this resolution, the Municipal Clerk of Mantua shall file this resolution on its official website and with the Affordable Housing Dispute Resolution Program; and

**WHEREAS**, pursuant to Directive #14-24 of the Administrative Office of the Courts, a municipality seeking a certification in 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 the adoption of the municipal resolution of the fair share obligations, or by February 3, 2025, whichever is sooner; and

**WHEREAS**, the Township of Mantua seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Gloucester County.

**NOW, THEREFORE, BE IT RESOLVED** on this 28<sup>th</sup> day of January, 2025, by the Township Committee of the Township of Mantua, in the County of Gloucester, and the State of New Jersey that, pursuant to *P.L.2024, c.2*:

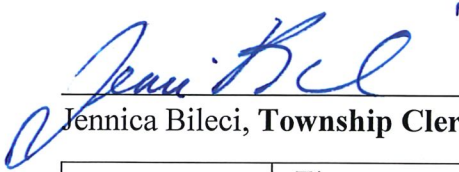
1. All of the Whereas Clauses set forth above are incorporated into the operative clauses of this resolution.
2. This resolution rescinds and replaces any prior resolutions concerning Fourth Round obligations.
3. The Township Committee of the Township of Mantua hereby accepts a Present Need obligation of 21 and a Prospective Need obligation of 131 as its Fourth Round (2025-2035) affordable housing obligation pursuant to P.L. 2024 c.2 and the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. These findings are to be documented in the Township’s housing element and fair share plan.
4. The Township Committee hereby directs its Affordable Housing Counsel to file a declaratory judgment attaching this resolution in Gloucester County within 48 hours after adopting this resolution.
5. The Township reserves its right to adjust its Fourth Round Affordable Housing obligation subject to any vacant land adjustments and other amendments as may be provided for by law.
6. This resolution shall be posted on the Township’s official website and with the Affordable Housing Dispute Resolution Program within 48 hours of adoption.
7. This resolution shall take effect immediately, according to law.

**THIS RESOLUTION** is duly adopted by the Township Committee of the Township of Mantua at a special meeting held on the 28th day of January 2025.

TOWNSHIP OF MANTUA

  
ROBERT ZIMMERMAN, Mayor

ATTEST:

  
Jennica Bileci, Township Clerk

	Zimmerman	Legge	Lukens	Snyder	Steen
YES	✓	✓	✓	✓	✓
NO					
ABSTAIN					
ABSENT					

Mantua Township - LCF Analysis

Mantua Township Fourth Round Recalculation of Obligation	
Household Change (Region 5)	22,835
Low & Mod Home Estimate (Region 5)	9,134
Nonresidential Valuation Factor	1.02%
Regional Income Capacity Factor	1.32%
Land Capacity Factor	1.9551%
Average Factor	1.43%
<b>Gross Prospective Need</b>	<b>131</b>

**Methodology**

The DCA land capacity factor (LCF) data was reviewed and compared to tax parcel and MODIV data, data on preserved open space and farmland and the extent of flood hazard areas as regulated by recent changes to the flood hazard rules. Areas identified as vacant and developable and included in error were removed and are summarized on the following page. The acreage removed was subtracted from both the regional total and municipal total to recalculate the land capacity factor.

**Prepared by:**

James Kyle, PP/AICP  
 NJ PP# 5667  
 2 East Broad Street, 2nd Fl.  
 Hopewell, NJ 08525  
 jkyle@kylemccmanus.com

### Mantua Township - LCF Analysis

Area	Notes	Recalculation of LCF		
		Regional Total Existing	Municipal Total Existing	Land Capacity Factor
0.069842	B 54, L 23, Township owned slopes and floodplain			
0.100652	B 54, L 23, Township owned slopes and floodplain			
0.24004	B 71, located in regulated FHA	18749	416,033099	2.2190%
0.119415	B 71, located in regulated FHA	LCF Removed	LCF Removed	
0.154434	B 82, L 1, Township owned FHA	50,461032	50,461032	1
0.661716	B 82, L 1, Township owned FHA	<b>New Regional Total</b>	<b>New Municipal Total</b>	<b>New LCF</b>
1.228405	B 83, L 6, FHA constrained	18698.53897	365.572067	1.9551%
0.512949	B 92, L 2, FHA constrained			
0.280567	B 92, L 3.01, FHA constrained			
0.155014	B 92, L 4, FHA constrained			
0.828771	B 92, L 4, FHA constrained			
0.095342	B 159, L 4, municipally owned cemetery			
1.327864	B54, L 4, municipal open space			
0.529676	B54, L 4, municipal open space			
0.517968	B 53, L 19, municipally owned stormwater basin			
0.156017	B 53, L 19, municipally owned stormwater basin			
3.394511	B 110, L 5.01, FHA constrained			
0.478097	B 110.08, L 10, FHA constrained			
0.389932	B 121, L5, church property; partially FHA constrained			
0.540312	B 122, L 10.01, FHA constrained			
1.013548	B 172, L 5, FHA constrained back of residential lot			
0.612608	B 160, L 8, FHA constrained			
0.315392	B 160, L 8, FHA constrained			
0.253439	B 160, L 8, FHA constrained			
0.167896	B 170, L2, FHA constrained			
5.012386	B 137 and 138, L 1 and 1, part of junkyard and Township owned			
0.433942	B 146, 13, L 49, Township owned detention basin			

**Mantua Township - LCF Analysis**

Area	Notes
0.097918	B 146.13, L 49, Township owned detention basin
0.06135	B148, L 2, Township park and open space
1.92	B 172, L 6.05, remove developed portion with structures
2	B 172, L 6.07, removed portion in FHA constrained area
0.476406	Part of Chestnut Branch Park
1.668776	B 146.06, L 16, Township owned detention basin
1	Remove part of Chestnut Branch Park
5.469067	B 158.07, L 2.01, FHA constrained
1.284843	B 158.01, L 53, Township owned detention basin
0.717256	B 158, L 4, FHA constrained
0.060553	B 146.12, L 28.02, Township owned detention basin
1.590399	B 242, L 7.05, landlocked isolated lot adjacent to Rt 55
2.308115	B 242, L 7.03, part of fossil park
1.894154	B 251, L 2, FHA constrained
3.073519	B 251.09, L 5.01, owned by NJDOT adjacent to Rt 55
0.359765	B 254, L 8.01, part of preserved open space
0.290731	B 254, L 8.01, part of preserved open space
0.399238	B 254, L 43.02, part of preserved open space
0.566878	B 254, L 43.02, part of preserved open space
0.645929	B 254, L 42.06, part of 5 acre farm with outbuildings
4.325038	B 253, L 42, NJDOT owned adjacent to Rt 55
0.10544	B 253, L 42, NJDOT owned adjacent to Rt 55
0.554922	B 254.01, L 31, contaminated site
<b>50.461032</b>	<b>Total</b>