

**BOROUGH OF CLIFFSIDE PARK
BERGEN COUNTY, NEW JERSEY**

RESOLUTION 2025-26

JANUARY 21, 2025

**RESOLUTION OF THE BOROUGH OF CLIFFSIDE PARK, COUNTY OF BERGEN
DETERMINING THE AFFORDABLE HOUSING OBLIGATIONS
OF THE BOROUGH OF CLIFFSIDE PARK FOR THE PERIOD
JULY 1, 2025 THROUGH JUNE 30, 2035 (FOURTH ROUND)
PURSUANT TO THE FAIR HOUSING ACT, N.J.S.A. 52:27D-301, et seq.**

WHEREAS, in 1975 the Supreme Court of the State of New Jersey found in S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 67 N.J. 151 (1975) (Mount Laurel I) that every municipality in the State of New Jersey has a constitutional duty to design its land use regulations to make realistically possible the opportunity for a variety and choice of housing for all people desiring to live there, including those of low and moderate income; and

WHEREAS, in 1983 the Supreme Court of the State of New Jersey created a judicial remedy in S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II) that allowed developers to sue any municipality that did not comply with its constitutional duty and obtain the right to build higher density housing than allowed by the municipality's land use regulations; and

WHEREAS, in 1985 the Legislature of the State of New Jersey enacted the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. to establish an administrative agency, the Council on Affordable Housing (COAH), with responsibility for determining the affordable housing obligations of municipalities and overseeing an administrative process through which municipalities could voluntarily comply with their constitutional obligation and obtain immunity from suit by developers and others seeking to challenge the constitutionality of a municipality's land use regulations; and

WHEREAS, in 2015 the Supreme Court of the State of New Jersey determined in In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV) that COAH's administrative process was not functioning and the administrative remedy established by the Fair Housing Act had been rendered futile, requiring municipalities to petition the Court to obtain approval of their Third Round fair share housing plans and immunity from exclusionary zoning lawsuits; and

WHEREAS, in February 2024 the Legislature of the State of New Jersey passed P.L. 2024, c. 2 (the Act) to abolish COAH, modify the mechanism for calculation of municipalities' affordable housing obligations, and to transform the administrative process established by the Fair Housing Act; and

WHEREAS, in March 2024 the Governor of the State of New Jersey signed the Act into law; and

WHEREAS, pursuant to the Act, the Department of Community Affairs (DCA) calculated each municipality's affordable housing obligation for the period 2025-2035 (Fourth Round) in accordance with the formulas set forth in the Act and in October 2024 DCA issued a report (Report) of its calculations and findings; and

WHEREAS, pursuant to the Act, a municipality may elect to participate in an Affordable Housing Dispute Resolution Program (the Program) established by the Legislature within the Courts through which the municipality can obtain certification of its compliance with its constitutional obligation regarding affordable housing and obtain immunity from exclusionary zoning lawsuits during the Fourth Round's ten-year period; and

WHEREAS, pursuant to the Act, in order to participate in the Program a municipality must adopt a binding Resolution determining its affordable housing obligation no later than January 31, 2025, must adopt a compliant housing element and fair share plan no later than June 30, 2025, and must adopt ordinances and resolutions necessary to implement its housing element and fair share plan no later than March 15, 2026; and

WHEREAS, pursuant to the Act, in establishing its affordable housing obligation a municipality must give consideration to the DCA's calculations as stated in its Report, must describe the basis for its determination, and must bind the municipality to adopt a compliant housing element and fair share plan; and

WHEREAS, Borough Planner Lyndsay Knight, PP has reviewed and analyzed the DCA's calculations as stated in its report and, based thereon, has recommended that the Borough of Cliffside Park accept, adopt and approve of (a) the methodology employed by the DCA in calculating Cliffside Park's fair share of the need for affordable housing, (b) DCA's determination that Cliffside Park qualifies as an Urban Aid Municipality; and (c) the calculation by the DCA of Cliffside Park's fair share of the Fourth Round present and prospective need for affordable housing.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Cliffside Park does hereby accept, adopt and approve of the methodology employed by the DCA in calculating Cliffside Park's fair share of the Fourth Round need for affordable housing; and

BE IT FURTHER RESOLVED, that the Borough of Cliffside Park does hereby accept, adopt and approve of the DCA's determination that Cliffside Park qualifies as an Urban Aid Municipality, as defined by N.J.S.A. 52:27D-304.3(c)(1), for the Fourth Round; and

BE IT FURTHER RESOLVED, that the Borough of Cliffside Park does hereby accept, adopt and approve of the calculation by the DCA of Cliffside Park's fair share of the Fourth Round need for affordable housing as follows:

Prospective need:	zero (0) units
Present need:	one hundred fifty (150) units

BE IT FURTHER RESOLVED, that the Borough of Cliffside Park is bound to adopt a housing element and fair share plan which provides a realistic opportunity for satisfaction of the

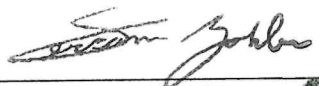
prospective and present need identified herein, as may be adjusted by the Program in accordance with the process and procedures provided by the Act; and

BE IT FURTHER RESOLVED that Borough Attorney Christos J. Diktas, Esq. be and is hereby authorized to file, within forty-eight (48) hours following adoption of this Resolution, an action (Action) with the Program regarding this Resolution in accordance with the procedures established by the Act; and


BE IT FURTHER RESOLVED that Borough Clerk Sercan Zoklu be and is hereby authorized to publish this Resolution, along with the date of the filing of the Action, on the Program’s publicly accessible Internet website as soon as possible but no later than January 31, 2025; and

BE IT FURTHER RESOLVED that Borough Clerk Sercan Zoklu be and is hereby authorized to publish this Resolution on the Borough of Cliffside Park’s publicly accessible Internet website as soon as possible but no later than January 31, 2025; and

BE IT FURTHER RESOLVED, a copy of this Resolution, certified by the Borough Clerk to be true, be served upon Joseph Rutch, Borough Administrator; Sercan Zoklu, Borough Clerk; Christos J. Diktas, Esq., Borough Attorney; Lyndsay Knight, PP, Borough Planner; and Jamie Riggi, Planning Board Secretary.




 Sercan Zoklu, Borough Clerk



 Thomas Calabrese, Mayor

I hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of the Borough of Cliffside Park, NJ on January 22, 2025

 Borough Clerk


	Moved	Second	Yes	No	Abstain	Absent
MAYOR T. CALABRESE						
D. MARTINOTTI			✓			
K. CORCORAN			✓			
P. COLAO			✓			
S. NIKAJ	✓		✓			
J. CHMIELEWSKI		✓	✓			
E. ROJAS			✓			

