

EXHIBIT 1

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-59-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILWOMAN TROISI**

**IN THE MATTER OF THE BOROUGH OF ELMWOOD PARK FAIR HOUSING
FAIRNESS & COMPLIANCE, ROUND 4 SUPPORTING RESOLUTION**

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 (hereinafter "DCA"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (hereinafter "DRP"), 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 Judge Mary C. Jacobsen of Mercer County on March 8, 2018 for the 3rd Round; and

WHEREAS, the Prospective Need 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. The Borough of Elmwood Park is located in Region 1, identified in the 4th Round rules as consisting of all municipalities in Bergen, Hudson, Passaic, and Sussex Counties; and

WHEREAS, the Present Need 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 Needs for every municipality in New Jersey, which included, for the Borough of Elmwood Park, a Prospective Need of 145 units and a Present Need of 154 units; and

WHEREAS, the 4th Round rules require that every municipality adopt before January 31, 2025, and upload onto a website created for the DRP within 48 hours of adoption, a binding resolution identifying their affordable housing obligations; and

WHEREAS, the rules permit municipalities to either accept the calculations published by DCA or alternative numbers which are based upon the methodology laid out in the 4th Round rules; and

WHEREAS, DMR Architects, the Borough's affordable housing planning consultant, has reviewed the data utilized by the DCA and has recommended that the Borough accept the Prospective and Present Need calculations published by the DCA on October 18, 2024; and

WHEREAS, the 4th Round rules allow built-out communities to seek an adjustment of their Prospective Need obligations based on a lack of vacant, available, and environmentally unconstrained land on which to build new homes, called a vacant land adjustment, with the caveat that any municipality seeking a vacant land adjustment shall be required to prepare a Housing Element and Fair Share Plan providing for the satisfaction of not less than 25% of its 145-unit Prospective Need, or 37 units; and

WHEREAS, DMR Architects conducted an analysis according to the 4th Round rules and methodologies, and concluded that the Borough of Elmwood Park has a realistic development potential of eight (8) units based upon vacant and available land; and

WHEREAS, the Planning Board of Elmwood Park Borough shall adopt not later than June 30, 2025 a Housing Element and Fair Share Plan addressing its Prospective and Present Needs, with the Prospective

Need to be adjusted to not less than 37 units based upon a lack of vacant land, pursuant to section 23 of P.L.2024, c.2 (C.52:27D-310.1); and

WHEREAS, the Borough Council shall adopt not later than March 15, 2026 all ordinances necessary to implement that Plan, as required by the 4th Round rules passed by the Legislature and signed by the Governor; and

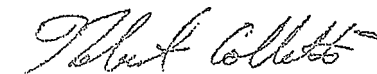
WHEREAS, failure to comply with the 4th Round rules, including but not limited to meeting the deadlines stated herein, or declaring affordable housing obligations that are not consistent with the methodologies dictated and endorsed in the 4th Round rules, would leave the Borough vulnerable to exclusionary zoning or builders' remedy lawsuits that, if successful, would strip the Borough of its zoning power to control the location, intensity, and design of multi-unit residential development that would produce affordable housing.

WHEREAS, the 3rd Round Order, final Judgment of Compliance and Repose, signed by Judge Gregg A. Padovano, J.S.C., dated January 14, 2025 is hereby attached and incorporated as "Exhibit A."

NOW, THEREFORE, THE FOLLOWING SHALL BE RESOLVED, by the Council of the Borough of Elmwood Park, Bergen County, New Jersey:

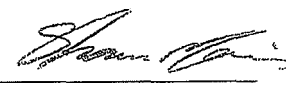
1. The Borough declares that it has a 145-unit Prospective Need, as calculated by the DCA;
2. The Borough declares that it has a 154-unit Present Need, as calculated by the DCA;
3. The Borough has conducted an analysis of its vacant, available land based upon section 23 of P.L.2024, c.2 (C.52:27D-310.1), and estimates that it will be eligible to adjust its Prospective Need to 37 units due to a lack of land that is vacant, and available, and unconstrained as required by that section of the 4th Round rules and as defined at N.J.A.C. 5:93-1.2. The Borough reserves the right and opportunity to update this calculation prior to the adoption of its Fourth Round Housing Element and Fair Share Plan;
4. The Borough reserves the right to conduct a Structural Conditions Survey in order to potentially reduce its Present Need obligation to a number that may better reflect the condition of its housing stock, as permitted by Section 24 of P.L. 2024, c. 2 (c.52:27D-311.m), subject to the rules at N.J.A.C. 5:93-2.2.b and Appendix C of N.J.A.C. 5:93;
5. The Borough shall adopt a Housing Element and Fair Share Plan, not later than June 30, 2025, that addresses the affordable housing obligations above, as may be adjusted in accordance with the N.J.S.A. 52:27D-301 et seq., P.L. 2024, c.2, and applicable case law and determinations of the Affordable Housing Dispute Resolution Program;
6. The Borough's Legal Counsel, within 48 hours, or as soon as reasonably possible, of the passing of this resolution provided notice to the DRP regarding this resolution in order to maintain the Borough's immunity from exclusionary zoning litigation. The Borough Clerk shall further publish the filing materials and this resolution on a publicly accessible page within the Borough's website.

APPROVED: January 23, 2025



Robert Colletti, Mayor

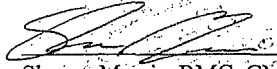
ATTEST:


Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo				X	Sheridan	X			
Golabek	X				Troisi	X			
Saimson				X	Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 23RD day of January 2025. Signed and sealed before me.


 Shanee Morris, RMC, CMR
 Borough Clerk

1/29/25
 Dated