

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

RESOLUTION # 25-27

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED
NUMBERS PURSUANT TO P.L. 2024, C. 2 AND FAIR HOUSING ACT,
N.J.S.A. 52:27D-302.**

WHEREAS, on March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c. 2), which legislation amends the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. ("Amended FHA") and requires each municipality to provide its fair share of affordable housing obligation under the Mount Laurel Doctrine based on a new process and updated methodology; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, on October 18, 2024, the DCA calculated the non-binding statewide and regional affordable housing needs and released a non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligation as set forth in DCA's report, entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" (the "DCA Report"); and

WHEREAS, pursuant to the DCA Report the Borough of Englewood Cliffs' non-binding Present Need or Rehabilitation Obligation is 0 and the Borough's non-binding Prospective Need is 329; 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 4 affordable housing obligations; and

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

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Borough of Englewood Cliffs accepts the DCA calculations of the Borough of Englewood Cliffs' fair share obligations and commits to its fair share of 0 units present need and 329 units 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 Borough of Englewood Cliffs reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough of Englewood Cliffs also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (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 Borough of Englewood Cliffs reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

WHEREAS, in light of the above, the Municipal Council for the Borough of Englewood Cliffs finds that it is in the best interest of the Borough to declare its commitment to the obligations as 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 issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #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 Borough of Englewood Cliffs seeks a certification of compliance with the FHA and, therefore, directs King, Moench & Collins, its Affordable Housing Attorney, to file a declaratory relief action within 48 hours of the adoption of this resolution in Bergen County.

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, 2025 by the Municipal Council for the Borough of Englewood Cliffs as follows:

1. The foregoing recitals are incorporated herein as if set forth in full; and
2. The Borough of Englewood Cliffs hereby commits to a Round 4 Present Need Obligation of 0 units and Round 4 Prospective Need Obligation of 329 units as described in this resolution, subject to all reservations of rights set forth above; and
3. The Borough of Englewood Cliffs hereby directs King, Moench & Collins, its Affordable Housing Attorney, to file a declaratory judgment complaint in Bergen County within 48 hours after adoption of the within resolution; and

4. The Borough of Englewood Cliffs authorizes King, Moench & Collins 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 Program or any other such entity as may be determined to be appropriate; and

5. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Laura Borchers, Clerk of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Municipal Council for the Borough of Englewood Cliffs at a meeting held on January 28, 2025.

Laura Borchers

Laura Borchers, RMC, CMR
Borough Clerk

Members	Motion	Second	Ayes	Nayes	Abstain	Absent
Kim						X
Biegacz	X		X			
Liang		X	X			
Patel					X	
Koutroubas			X			
Mayor Park						