

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-52-25**

CONSENT AGENDA

RESOLUTION BY: COUNCILMAN RIGOGLIOSO

SECONDED BY: DEPUTY MAYOR KANE

**COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT
NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); 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, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Garfield's Round 4 (2025-2035) obligations as follows: A Present Need or Rehabilitation Obligation of 322 and a Prospective Need or New Construction Obligation of zero; and

WHEREAS, Section 3 of 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 amended FHA; 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, Garfield accepts the DCA calculations of Garfield's fair share obligations and commits to its fair share of 322 units present need units and zero units of prospective need, subject to any adjustments to its present need that may be a function of recent rehabilitation efforts to be presented as part of the City's forthcoming housing element and fair share plan to be filed as part of the Fourth-Round process, as detailed below; and

WHEREAS, Garfield reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Garfield Housing Authority has an ongoing rehabilitation program that has addressed a significant number of Garfield's rehabilitation obligations, and the extent of that program's ongoing activities shall be detailed as part of Garfield's forthcoming updated housing element and fair share plan to be filed as part of the Fourth-Round process; and

WHEREAS, Garfield 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, Garfield reserves the right to take such position as it deems appropriate in response

EXHIBIT A TO COMPLAINT

thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in addition to the foregoing, nothing in the amended FHA requires or can require an increase in the City's Fourth Round obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Mayor and Council of The City of Garfield finds that it is in the best interest of Garfield 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 issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

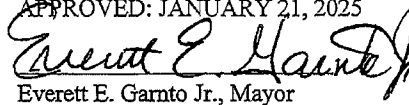
WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

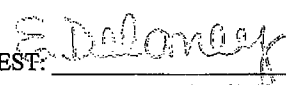
WHEREAS, Garfield seeks a certification of compliance with the FHA and, therefore, directs its City Attorney to file a declaratory relief action within 48 hours of the adoption of this resolution in Bergen County;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Garfield hereby commits to the DCA Round 4 Present Need Obligation of 322 units and the Round 4 Prospective Need Obligation of zero units described in this resolution, subject to all reservations of rights set forth above.
3. Garfield hereby directs its City Attorney to file a declaratory judgment complaint in Bergen County within 48 hours after adoption this resolution, attaching this resolution.
4. Garfield authorizes its City Attorney 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.
5. This resolution shall take effect immediately, according to law.

APPROVED: JANUARY 21, 2025



Everett E. Garito Jr., Mayor

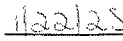
ATTEST: 
Erin Delaney, MPA, RMC, CMC
City Manager/City Clerk

Record of Council Vote on Passage

| | AYE | NAY | Abstain | Absent |
|------------|-----|-----|---------|--------|
| Rigoglioso | X | | | |
| Delaney | | | | X |
| Kane | X | | | |
| Raymond | | | | X |
| Garito | X | | | |

This resolution was approved by the Mayor and Council of the City of Garfield at a Regular Meeting held on the 21st day of January 2025. Signed and sealed before me.


Erin Delaney, MPA, RM, CMC
City Manager/City Clerk


Dated