

EXHIBIT 1

BOROUGH OF LITTLE FERRY

DATE: JANUARY 30, 2025

RESOLUTION NO. 69

	Motion By	Second By	Aye	Nay	Absent	Abstain	No Vote
Anzalone			X				
Enrique			X				
Lange	X		X				
Lanum			X				
Muller		X	X				
Steinilber			X				
Raguseo (Tie Only)							
Vote Total			6	0	0	0	0

BM

RESOLUTION OF THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN, STATE OF NEW JERSEY ACCEPTING THE DCA DETERMINATION OF THE BOROUGH'S ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Little Ferry's Round 4 (2025-2035) fair share affordable obligations as follows: a Present Need (Rehabilitation) Obligation of 114 units and a Prospective Need (New Construction) Obligation of 99 units; 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 the Council on Affordable Housing ("COAH") unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A 52:27D-311 (m)); and

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

WHEREAS, the Borough has accepted the Present Need ("Rehabilitation") Obligation of 114 as reported by the DCA in its October 18, 2024 Report; and

WHEREAS, the Borough has accepted the Prospective Need obligation of 99 as reported by the DCA on October 18, 2024; and

WHEREAS, the Borough's acceptance of its Present Need and Prospective Need as noted above is subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the amended FHA; and

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

WHEREAS, the Borough 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 addition to setting forth its Round 4 fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that the Borough has waived them; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth Round Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, pursuant to Directive #14-24 by the Acting Administrative Director of the Courts, dated December 13, 2024, a municipality seeking 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 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 within resolution in Bergen County.

NOW, THEREFORE, BE IT RESOLVED on this 30th day of January, 2025, by the Governing Body of the Borough of Little Ferry, County of Bergen, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.

2. The Borough of Little Ferry hereby accepts the Department of Community Affairs determination of the Round 4 Present Need ("Rehabilitation") Obligation of 114 units and a Round 4 Prospective Need "(New Construction)" obligation of 99 units, subject to all reservations of all rights, which specifically include, without limitation, the following:

- a. The right to a vacant land adjustment and/or a durational adjustment, and all other applicable adjustments permitted in accordance with COAH regulations;
- b. The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;
- c. The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or other litigation or changes in applicable Legislation; and
- d. The right to adjust its fair share obligations in the event of a third-party challenge to the fair share obligations and the Borough of Little Ferry's response thereto.


4. The Borough also hereby authorizes the Borough Clerk to file this resolution with the Program or any other such entity as may be determined to be appropriate.


5. This resolution shall be published on the Affordable Housing Dispute Program website within 48 hours of adoption.

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


7. Resolution Number 62 is hereby rescinded in its entirety.

ATTEST:


Barbara Maldonado,
Borough Clerk


Mauro Raguseo, Mayor

I hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Council at a meeting held on January 30, 2025.


Barbara Maldonado, Borough Clerk