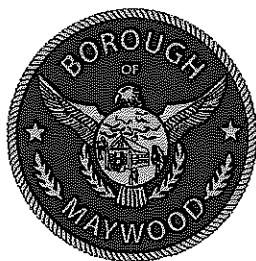


BOROUGH CLERK
Barbara L. Dispoto, RMC/CMC

ADMINISTRATOR
Adrian Febre, CPM



MAYOR
Richard Bolan

**COUNCIL
PRESIDENT**
Jacqueline DeMuro

**COUNCIL
MEMBERS**
Katherine Bennin
Jacqueline Flynn
Douglas A. Herrick
Claire A. Padovano
Ryan P. Ullman

BOROUGH OF MAYWOOD
15 Park Avenue, Maywood, NJ 07607

RESOLUTION #64-25

**A RESOLUTION TO AUTHORIZE THE SUBMISSION TO THE SUPERIOR COURT OF
NEW JERSEY BERGEN COUNTY, LAW DIVISION OF A DECLARATORY JUDGEMENT
ACTION COMMITTING THE BOROUGH OF MAYWOOD TO THE ROUND 4 PRESENT
AND PROSPECTIVE NEED TO ADDRESS ITS AFFORDABLE HOUSING OBLIGATIONS
FOR 2025 TO 2035**

WHEREAS, on March 24, 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 issues 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, 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 Section 6 and 7 pf the amended FHA; and

WHEREAS, the DCA Report calculates the Borough's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 12 units and Prospective Need or New Construction obligation of 131 units; 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, pursuant to the FHA, in establishing its affordable housing obligation, a municipality must give consideration to the methodology and formulas used by the DCA in formulating its calculations as produced in the October 20, 2024 report, must describe the basis for its determination, and must bind the municipality to adopt a compliance housing element and fair share plan; and

WHEREAS, the Borough accepts the formulas and methodologies employed by the DCA in generating regional present need and prospective need obligations; and

WHEREAS, in furtherance of the Amended FHA, the Borough commits to adopting a compliance housing element and fair share plan prior to June 30, 2025 and within such plan, the Borough will further examine the application of the regional present need obligation to the municipal level as authorized by the FHA through the use of a windshield survey; and

WHEREAS, in addition to the foregoing, nothing in the amended FHA requires or can require an increase in the Borough'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 Borough Council finds that it is in the best interest of the Borough 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 of DCA issued Directive #14-24, dated December 13, 2024, pursuant to which a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgement 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 adoption of this resolution in Bergen County.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED, that the above Whereas Clauses are incorporated into the operative clauses of this resolution.

BE IT FURTHER RESOLVED that the Borough hereby commits to the DCA Round 4 Present Need Obligation of 12 units and the Round 4 Prospective Need Obligation of 131 units described in this resolution subject to all reservations of rights set forth above.

BE IT FURTHER RESOLVED that the Borough Council hereby directs its Counsel to file a declaratory judgement complaint in Bergen County within 48 hours after adoption this resolution attaching this resolution.

BE IT FURTHER RESOLVED that the Borough Council authorizes its Legal Counsel 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.

BE IT FURTHER RESOLVED this resolution shall take effect immediately, according to law.

Date: January 28, 2025

APPROVED: Richard Bolan
Richard Bolan, Mayor

ATTEST: Barbara Dispoto
Barbara L. Dispoto, RMC/CMC
Borough Clerk

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilmember Bennin			X				
Councilmember DeMuro			X				
Councilmember Flynn			X				
Councilmember Herrick	X		X				
Councilmember Padovano		X	X				
Councilmember Ullman			X				

CERTIFICATION

I, Barbara L. Dispoto, Municipal Clerk of the Borough of Maywood in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of January 28, 2025.

Date: 1-28-2025

Barbara Dispoto
Barbara L. Dispoto, RMC/CMC
Borough Clerk