



BOROUGH OF PARAMUS
County of Bergen
State of New Jersey

RESOLUTION NO. 25-01-76

Dated: January 21, 2025

At a Regular Meeting of the Mayor and Council of the Borough of Paramus, County of Bergen, State of New Jersey, held on January 21, 2025.

A RESOLUTION DECLARING THE BOROUGH'S FOURTH ROUND OBLIGATION

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 Paramus 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



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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 Paramus, a Prospective Need of 1,523 units, statutorily capped at 1,000 units, and a Present Need of 254 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 1,000-unit Prospective Need, or 250 units; and

WHEREAS, DMR Architects conducted an analysis according to the 4th Round rules and methodologies, and concluded that the Borough of Paramus has a realistic development potential of less than 250 units, based upon vacant and available land, before accounting for the 25% minimum; and

WHEREAS, Paramus is entitled, under Section 24 of P.L. 2024, c. 2 (c.52:27D-311.m), to conduct a Structural Conditions Survey in order to adjust its Present Need obligation to a number that may better reflect the condition of its housing stock, subject to the rules at N.J.A.C. 5:93-2.2.b and Appendix C of N.J.A.C. 5:93; and

WHEREAS, the Mayor and Council of the Borough of Paramus authorized DMR Architects and the Paramus Affordable Housing Corps to conduct such survey in November and December of 2024, which concluded that the Borough is eligible for an adjusted Present Need of 19 units; and



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WHEREAS, the Planning Board of Paramus 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 250 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 authority and, therefore, its control the location, intensity, and design of multi-unit residential development that would produce affordable housing.

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

1. The Borough declares that it has a 1,000-unit Prospective Need, as calculated by the DCA;
2. The Borough declares that it has a 254-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 250 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 has conducted a survey of its housing stock according to the process and rules set forth by COAH at N.J.A.C. 5:93-2.2.b and Appendix C of N.J.A.C. 5:93, and reserves the right to address a reduced present need of 19 units, as well as the right to update the survey as may be appropriate;
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;

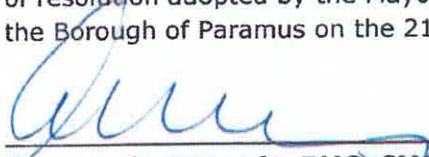


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6. The Borough's Legal Counsel, within 48 hours of the passing of this resolution, file an action with the DRP regarding this resolution in order to maintain the Borough's immunity from exclusionary zoning litigation. The Borough Clerk shall publish the filing materials and this resolution on a publicly accessible page of the Borough's website.

Approved by a roll call vote: January 21, 2025

I hereby certify that this is a true and exact copy
of resolution adopted by the Mayor and Council of
the Borough of Paramus on the 21st day of January 2025



Annemarie Krusznis, RMC, CMC
Borough Clerk

Motion: Councilwoman Weber

Second: Councilman Kaiser

Yeas: Councilman Antonio, Councilman Kaiser, Councilman Nadera, Councilwoman Rizzo, Councilwoman Weber, Councilman Wilkins

Nays: None

Abstain: None

Motion carries 6-0