

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting January 27, 2025

Presented by Councilman Ryu

RESOLUTION NO. 82-2025

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 the Borough of Ridgefield’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation 62 units and a Prospective Need or New Construction Obligation of 223; 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 Ridgefield accepts the DCA calculations of the Borough of Ridgefield’s fair share obligations and commits to its fair share of 62 units present need and 223 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 Ridgefield reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough of Ridgefield 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 Ridgefield reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Council of the Borough of Ridgefield finds that it is in the best interest of the Borough of Ridgefield 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, the Borough of Ridgefield seeks a certification of compliance with the FHA and, therefore, directs its counsel, Cleary, Giacobbe, Alfieri & Jacobs, 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 27th day of January, 2025 by the Council of the Borough of Ridgefield as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Ridgefield hereby commits to the DCA Round 4 Present Need Obligation of 62 units and the Round 4 Prospective Need Obligation of 223 units described in this resolution, subject to all reservations of rights set forth above.
3. The Borough of Ridgefield hereby directs its counsel, Cleary, Giacobbe, Alfieri & Jacobs, to file a declaratory judgment complaint in Bergen County within 48 hours after adoption this resolution, attaching this resolution.
4. The Borough of Ridgefield authorizes its counsel, Cleary, Giacobbe, Alfieri & Jacobs, 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.
5. This resolution shall take effect immediately, according to law.

COUNCIL VOTE

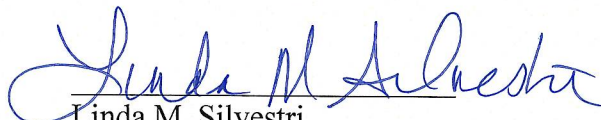
| | YES | NO | ABSTAIN | ABSENT |
|----------------|-----|----|---------|--------|
| Congalton-Hali | X | | | |
| Kontolios | X | | | |
| Ryu | | | | X |
| Kim | X | | | |
| Ramundo | X | | | |
| Jaafar | X | | | |
| Mayor Jimenez | | | | |

Approved:



Hugo Jimenez, Mayor

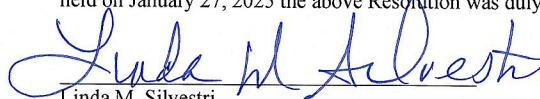
Attest:



Linda M. Silvestri,
Borough Clerk

CERTIFICATION

I, Linda M. Silvestri, the Borough Clerk, of the Borough of Ridgefield hereby certify that at a meeting of the Governing Body held on January 27, 2025 the above Resolution was duly adopted.



Linda M. Silvestri,
Borough Clerk