

EXHIBIT A

RESOLUTION NO. 25-10

BOROUGH OF TETERBORO

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF TETERBORO COMMITTING TO PARTICIPATE IN THE ROUND 4 OF ITS OBLIGATION TO PROVIDE AFFORDABLE HOUSING AND ACCEPTANCE OF THE PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

Offered by: Mayor Watt

Seconded by: Councilman Ramirez

WHEREAS, the Borough of Teterboro has a demonstrated history of voluntary compliance with its constitutional mandate to provide affordable housing units as evidenced by its compliance and approval of its First, Second and Third Round obligation; and

WHEREAS, the Third-Round compliance culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder's remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA set forth an equation to calculate the size of the regional affordable housing need for the next 10-year-round of low- and moderate-income housing obligations; and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 ("DCA Report"); and

WHEREAS, the DCA Report calculated the Borough's Round 4 (2025-2035) obligations with a Present need of 4 units and a Prospective Need of 5 units; and

WHEREAS, the Borough acknowledges the calculations and conclusions as determined by DCA in its Reported 4th Round estimates; and

WHEREAS, the Council further notes that the Borough is recognized as a 20% community, which under the current regulations of the Amended FHA, identifies Teterboro as a municipality which percentage of affordable housing units shall not exceed 20% of the total housing stock; and

WHEREAS, the Borough has produced 5 units of Affordable Housing credits from compliance with the prior Rounds of its Affordable Housing obligation upon which it will continue to rely in this Fourth Round. Going forward in its effort to achieve voluntary compliance with its Fourth-Round obligation, the Borough will conduct an investigation and survey of existing units and permitted allocation factors of its present need obligation with consideration given to its previously established Affordable Housing credits which may act to reduce its Prospective Need obligation in the 4th round; and

WHEREAS, the survey and investigation correcting the allocation factors may result in the Borough's Round 4 Prospective Need Obligation being lowered to less than the 5 units the DCA calculated as its Prospective Need; 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, Borough's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; And

WHEREAS, the Borough specifically reserves the right to adjust the numbers calculated by DCA based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round calculated Present or Prospective Need 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, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Mayor and Council finds that it is in the best interest of Borough to declare its obligations in accordance with this binding resolution and in accordance with the Amended FHA; and

WHEREAS, the Borough seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within the prescribed time period set forth by the Amended FHA and its regulations; and

NOW, THEREFORE, BE IT RESOLVED on this 14th day of January, 2025, by the Council of the Borough of Teterboro, in the County of Bergen and State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Mayor and Council hereby acknowledge and accept the methodology utilized by DCA on a state wide basis and will study and evaluate its application to the Borough of Teterboro which establishes a Fourth Round Present Need Obligation of 4 units and a Prospective Need Obligation of 5 units as described in this Resolution subject to all reservations of rights, which specifically include:

- a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
- b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
- c) All rights to take any contrary position in the event of a third-party challenge to the obligations.
- d) The Borough Council voluntarily commits to the adoption of a Fourth Round Housing Element and Fair Share Plan prior to June 30, 2025.

3. The Borough hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within the prescribed time period set forth by the Amended FHA and its regulations; and

4. The Borough hereby directs its Municipal Clerk or any other designated party to (a) file this Resolution with the "Program" pursuant to the requirements on Amended FHA.

I, VIRGINIA A. ALCURI, MUNICIPAL CLERK of the BOROUGH OF TETERBORO, do hereby certify that the aforesaid is a true copy of the resolution adopted by the Mayor and Council at a Regular Meeting held January 14, 2025.


 Virginia A. Alcuri, RMC
 Municipal Clerk

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Mayor Watt	X			
Councilman Stein			X	
Councilman Ramirez	X			
Councilman Watt	X			
Councilwoman Emden			X	