

**BOROUGH OF WALLINGTON  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**RESOLUTION NO. 2025-080**

**RESOLUTION COMMITTING WALLINGTON TO  
DEPARTMENT OF COMMUNITY AFFAIRS' FOURTH  
ROUND AFFORDABLE HOUSING PRESENT NEED AND  
PROSPECTIVE NEED NUMBERS**

**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 each municipality's 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 Wallington's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 81 units and a Prospective Need or New Construction Obligation of 92 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 binding 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 Wallington has determined to accept the DCA calculations of the Borough of Wallington's fair share obligations and commits to its fair share of 81 units present need and 92 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan the Borough subsequently submits in accordance with the Amended FHA; and

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

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**WHEREAS**, the Borough of Wallington 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 Wallington 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 Mayor and Council of the Borough of Wallington finds that it is in the best interest of the Borough of Wallington 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 the Courts 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 Wallington seeks a certification of compliance with the FHA and, therefore, directs its Attorney to file a Declaratory Judgment action within 48 hours of the adoption of this resolution in the Superior Court, Bergen County.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Wallington as follows:

1. All of the above recitals ("Whereas" clauses) are incorporated into the operative clauses of this Resolution.
2. The Borough of Wallington hereby commits to the DCA Round 4 Present Need Obligation of 81 units and the Round 4 Prospective Need Obligation of 92 units described in this Resolution, subject to all reservations of rights set forth above.
3. The Borough of Wallington hereby directs its Attorney to file a Declaratory Judgment Complaint in Bergen County within 48 hours after adoption of this resolution, attaching this resolution.
4. The Borough of Wallington authorizes its Attorney 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.

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5. This Resolution shall take effect immediately.

| MEMBER    | MOTION | SECOND | AYE | NAY | ABSTAIN | ABSENT |
|-----------|--------|--------|-----|-----|---------|--------|
| RACHELSKI |        |        | X   |     |         |        |
| MARCINIAK | X      |        | X   |     |         |        |
| PREINFALK |        | X      | X   |     |         |        |
| IVANICKI  |        |        |     |     |         |        |
| BALIK     |        |        | X   |     |         |        |
| GRAHAM    |        |        | X   |     |         |        |

CERTIFIED AS A TRUE COPY OF A  
RESOLUTION ADOPTED BY THE  
BOROUGH WALLINGTON AT A  
MEETING DATE BELOW

*Frank Belli*

FRANK BELLI  
MUNICIPAL CLERK, ACTING

ADOPTED THIS 30<sup>TH</sup> DAY OF JANUARY, 2025

*Melissa Dabal*

MELISSA DABAL, MAYOR