

**BOROUGH OF PALMYRA
RESOLUTION 2025-77**

**RESOLUTION OF THE BOROUGH OF PALMYRA, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY COMMITTING TO COMPLY WITH THE FAIR
HOUSING ACT, AS AMENDED**

WHEREAS, the Borough of Palmyra, County of Burlington, State of New Jersey, (hereinafter, “Borough” or “Palmyra”) has a demonstrated history of voluntary compliance with its affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an amendment to the 1985 Fair Housing Act (hereinafter “FHA” or “Act”) concerning the Round 4 affordable housing obligations for the years 2025 – 2035; and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to provide an estimate of the Present need, also referred to as the rehabilitation obligation, and the Round 4 Prospective need of all municipalities by October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) setting forth its estimate of the Borough’s present and prospective need obligation based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA report found the Borough’s Burlington’s Present Need (Rehabilitation) Obligation as five (5) low- and moderate-income units and its Round 4 Prospective Need Obligation as thirty-one (31) low- and moderate-income units; and

WHEREAS, the FHA as amended states “[e]ach municipality shall determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3)”; and

WHEREAS, the FHA provides that the DCA report is non-binding and enables municipalities to propose a different fair share affordable housing obligation based upon the standards set forth in sections 6 and 7 of the Act; and

WHEREAS, municipalities that adopt present and prospective need obligations pursuant to the standards set forth in section 6 and 7 of the Act are entitled to immunity from exclusionary zoning litigation; 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 the Council on Affordable Housing (“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, the Borough accepts its Present Need (“Rehabilitation”) Obligation of five (5) as reported by the DCA in its October 18, 2024 Report subject to its right to do a windshield survey in accordance with COAH standards in conjunction with the Housing Element and Fair Share Plan it files by June 30, 2025; and

WHEREAS, the Borough’s Engineer and Affordable Housing Planner (“Borough Professionals”) have reviewed the DCA’s October 18, 2024 findings, including the data used by DCA that is the basis for the 3 allocation factors used to determine Palmyra’s share of the regional need; and

WHEREAS, the DCA GIS data includes the following language expressly recognizing that its data may be incorrect:

“The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified **areas could be over or under inclusive** depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.” (emphasis added)

WHEREAS, the DCA’s report stated the Borough’s Land Capacity Factor is 0.15%; and

WHEREAS, the Borough Professionals have reviewed the data analysis conducted by the DCA to calculate the Land Capacity Allocation Factor, finding that the DCA overcalculated the land available for development by approximately 25.45 acres; and

WHEREAS, the Borough Professionals have found that the Borough’s Land Capacity Factor should therefore be reduced to .01%; and

WHEREAS, the Borough Professionals have determined, based on this accurate analysis of actually developable land, as outlined in their report attached hereto as Exhibit A, that the Borough’s Prospective need is twenty-seven (27) low- and moderate-income units, not thirty-one (31) low- and moderate-income units as stated in the DCA report; and

WHEREAS, the Borough’s finding of its prospective need of twenty-seven (27) low- and moderate-income units entitled to a “presumption of validity” because it the calculation thereof was conducted in a manner that complies with Sections 6 and 7 of the Act; and

WHEREAS, in addition to setting forth its Round Four fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain any and all rights to avoid any claim that it has waived them resulting from proposed legislation and ongoing litigation concerning the Act; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations; and

WHEREAS, in light of the above, the Borough of Palmyra finds that it is in the Borough's best interest to calculate and adopt the present and prospective need obligations in accordance with the Act; and

WHEREAS, the Borough declares its Present Need (Rehabilitation) Obligation as five (5) low- and moderate-income units and its Round 4 Prospective Need Obligation as twenty-seven (27) low- and moderate-income units; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Courts issued Directive #14-24, dated December 13, 2024, mandating that a municipality seeking a certification of compliance with the Act must file an action in the form of a declaratory judgment complaint 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 Palmyra seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January by the Borough Council,

BE IT RESOLVED, that the Borough of Palmyra reiterates and incorporates all statements and exhibits set forth above as if fully restated herein; and

BE IT FURTHER RESOLVED, that the Borough of Palmyra is determined to address the January 31, 2025 deadline established in the Fair Housing Act for the acceptance and determination of its Fourth-Round affordable housing obligations in order to maintain immunity from exclusionary zoning litigation by timely filing this resolution with the Affordable Housing Dispute Resolution Program ("Program"); and

BE IT FURTHER RESOLVED, that the Borough of Palmyra adopts its Present Need (Rehabilitation) Obligation as five (5) low- and moderate-income units and its Round 4 Prospective Need Obligation as twenty-seven (27) low- and moderate-income units as calculated pursuant to Section 6 and 7 of the Fair Housing Act; and

BE IT FURTHER RESOLVED, that pursuant to AOC Administrative Directive #14-24, the Borough's Affordable Housing Counsel is authorized and directed to file a declaratory judgment complaint with the Superior Court of New Jersey consistent with this Resolution; and

BE IT FURTHER RESOLVED, that the Borough's Affordable Housing Counsel is authorized to take appropriate steps and to take such further actions as are necessary to maintain the Borough's compliance with the Fair Housing Act; and

BE IT FURTHER RESOLVED, that pursuant to the Fair Housing Act, the Borough of Palmyra shall publish this duly adopted resolution on the Borough's publicly accessible Internet website within 48 hours of adoption; and

BE IT FURTHER RESOLVED, that the Borough intends to develop a Fourth Round Housing Element and Fair Share Plan that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the Borough's calculated and accepted Fourth Round present and prospective need pursuant to the Fair Housing Act.

RECORD OF COUNCIL VOTE ON RESOLUTION 2025-77 - adopted

MOTION: HOWARD

SECOND: O'CONNOR

Natashia Latimore: yes


John Liebe: absent

Jessica O'Connor: yes

President Timothy Howard: yes

Mayor, Gina Ragomo Tait -

I HEREBY CERTIFY that the foregoing resolution was adopted by the Borough Council of the Borough of Palmyra, County of Burlington, State of New Jersey at their Special Meeting held on January 27, 2025.


Doretha R. Jackson, RMC
Borough Clerk