

**BOROUGH OF RIVERTON  
RESOLUTION #32-2025**

**A RESOLUTION OF THE BOROUGH OF RIVERTON ESTABLISHING THE BOROUGH'S  
FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT TO THE FAIR HOUSING ACT  
AS CALCULATED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, the current standards embodied in the New Jersey Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., include a methodology for the calculation of municipalities' Fourth Round need for providing low- and moderate-income housing to residents; and

**WHEREAS**, the FHA has defined the prospective need to include "a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities" N.J.S.A. 52:27D-304(j); and

**WHEREAS**, the FHA requires that the New Jersey Department of Community Affairs ("DCA") perform a calculation of regional need and municipal present and prospective need in accordance with the formulas established in the FHA; and

**WHEREAS**, the DCA performed the calculation pursuant to the FHA and on or about October 20, 2024 issued a report entitled "Affordable Housing Obligation for 2025-2035 (Fourth Round) Methodology and Background" ("Fourth Round Report"); and

**WHEREAS**, in the Fourth Round Report the DCA calculation indicates the Borough of Riverton has a Fourth Round present need of thirty (30) units; and

**WHEREAS**, the FHA provides municipalities the option to adopt the DCA's findings of present and prospective need and thereby maintain immunity from exclusionary zoning litigation and have the municipality's determination of present and prospective fair share need be granted a presumption of validity in any challenge initiated through the program outlined in the FHA; and

**WHEREAS**, the FHA established the Affordable Housing Alternative Dispute Resolution Program ("Program") to be administered by the Administrative Office of the Courts ("AOC") through which municipalities could retain immunity from builders remedy lawsuits and seek a Fourth Round certification of compliance; and

**WHEREAS**, the AOC adopted Directive #14-24 on December 13, 2024, which requires municipalities who choose to participate in the Program to file a declaratory judgment complaint with the Superior Court of New Jersey, Civil Part within forty-eight (48) hours of adoption of the municipal resolution establishing the municipalities fourth round present and prospective need pursuant to the FHA; and

**WHEREAS**, the Borough's affordable housing professionals have reviewed the DCA Fourth Round Report, assessed the calculation contained therein and recommend that the Borough accept this calculation of the Fourth Round present and prospective affordable housing need attributable to the Borough of Riverton; and

**WHEREAS**, the Borough affordable housing professionals further believe it is in the best interest of the Borough for the Borough to participate in the Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Riverton, in the County of Burlington, and State of New Jersey, that the Borough accepts the calculation of a present need of thirty (30) units for the Fourth Round as calculated by the Department of Community Affairs; and

**BE IT FURTHER RESOLVED**, that the Borough of Riverton's affordable housing professionals shall take such action as is necessary to satisfy the January 31, 2025 deadline established in the FHA for the acceptance and determination of its Fourth Round affordable housing obligations in order to maintain immunity from exclusionary zoning litigation; and

**BE IT FURTHER RESOLVED**, that pursuant to AOC Administrative Directive #14-24, the Borough Solicitor 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 Solicitor is authorized as directed by the Mayor, to take such further actions as are necessary to maintain the Borough's compliance with the Fair Housing Act; and

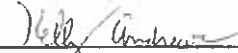
**BE IT FURTHER RESOLVED**, that pursuant to the FHA, the Borough Clerk shall publish this Resolution on the Borough's publicly accessible Internet website within 48 hours of adoption; and

**BE IT FURTHER RESOLVED**, that the Borough's affordable housing professionals shall develop a Fourth Round Housing Element and Fair Share Plan ("HEFSP") that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the Township's calculated and accepted Fourth Round present and prospective need established pursuant to this Resolution; and

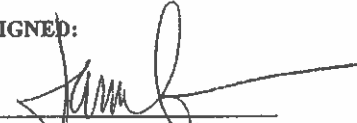
BE IT FURTHER RESOLVED, that the HEFSP shall be presented to the Borough Council with sufficient time for the HEFSP to be adopted by the June 30, 2025 deadline set forth in the FHA such that the Borough can maintain its immunity.

ADOPTED, by the Governing Body of the Borough of Riverton at their regular meeting held on January 21, 2025.

ATTEST:

  
\_\_\_\_\_  
Kelly Andrews, Borough Clerk

SIGNED:

  
\_\_\_\_\_  
James Quinn, Mayor

RECORDED YOTE	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
BANK						
FULLERTON						
LUCAS						
RAFTER						
REED						
WILBURN						
MAYOR QUINN (TIE)						