

2025-1-54

**RESOLUTION OF THE BOROUGH OF GIBBSBORO
DECLARING THE BOROUGH OF GIBBSBORO, COUNTY OF CAMDEN'S, 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, pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing ("**Fair Share Obligation**") during the 10-year period beginning on July 1, 2025 (the "**Fourth Round**"); and

WHEREAS, pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality's determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce 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, pursuant to Section 3.e of P.L. 2024, c. 2, the estimates in the DCA Report are not binding upon municipalities and instead pursuant to Section 3.f of the aforesaid law, each municipality is to determine its own, "present and prospective fair share obligation in accordance with the formulas established in sections 6 and 7 of P.L. 2024, c.2"; and

WHEREAS, the Borough of Gibbsboro has commissioned, among other municipalities, its Borough Planner of the firm Clarke Caton Hintz, P.C., to create a state-wide model and Region 5 allocations of Present Need and Prospective Need utilizing the formulas in Sections 6 and 7 of P.L. 2024, c. 2, in accordance with the provisions thereof; and

WHEREAS, through meticulous adherence to P.L. 2024, c. 2, and the March 8, 2018, unpublished decision of In Re Application of Municipality of Princeton, decided by the Honorable Mary C. Jacobson, A.J.S.C. as required by the law, the Borough Planner determined that Gibbsboro's Present Need is 2 units and its Prospective Need is 34 units/credits; 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

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adjustments; and

WHEREAS, based on the foregoing, Borough of Gibbsboro accepts the alternative calculations prepared by Clarke Caton Hintz, P.C., for the Borough of Gibbsboro's fair share obligations and commits to its fair share of 2 units of Present Need and 34 units/credits of 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, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the "**Program**") by February 28, 2025, shall explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, pursuant to the Amended FHA, the Program shall resolve all challenges to a municipality's determination of its Fourth Round obligation by March 31, 2025, during which time the municipality shall retain its immunity from exclusionary zoning lawsuits; and

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

WHEREAS, Borough of Gibbsboro 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, Borough of Gibbsboro reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth Round Present or Prospective Need Obligations should be lower than described 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, Borough of Gibbsboro seeks a certification of compliance with the FHA and, therefore, directs Salvatore Siciliano, Esq., Borough Attorney, to file a declaratory relief action within 48 hours of the adoption of this resolution in Camden County Superior Court.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Borough Council of the Borough of Gibbsboro as follows:

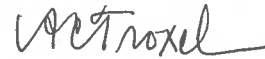
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1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Gibbsboro hereby commits to a Fourth Present Need Obligation of 2 units and the Fourth Round Prospective Need Obligation of 34 units/credits as determined by Clarke Caton Hintz, P.C., and fully explained in, Determination of the Allocation of Fourth Round Affordable Housing Numbers to New Jersey Municipalities: Methodology and Rationale, dated January 10, 2025, attached hereto.
3. The Borough of Gibbsboro hereby directs Salvatore Siciliano, Esq., Borough Attorney, to file a declaratory judgment complaint in Camden County within 48 hours after adoption this resolution.
4. The Borough of Gibbsboro authorizes its Borough Attorney to attach this resolution and methodology as exhibits to the declaratory judgment action that is filed and to submit and/or file same with the Program or any other such entity as may be determined to be appropriate.
5. The Borough of Gibbsboro hereby directs Amy Troxel, RMC, Borough Clerk, to publish this resolution on the municipal website within 48 hours after adoption of this resolution.
6. This resolution shall take effect immediately, according to law.



Edward G. Campbell, III
Mayor



Amy C. Troxel, RMC
Borough Clerk

	AYE	NAY	ABSENT	ABSTAIN
BROWN	✓			
DETERDING	✓			
KARCSH	✓			
RICKERT	✓			
RITZ	✓			
WERNER	✓			

Adopted: January 21, 2025

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I HEREBY CERTIFY, that the foregoing resolution is a true copy of a resolution adopted by Mayor and Council of the Borough of Gibbsboro, New Jersey at their meeting held January 21, 2025.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of this Borough.



Amy C. Troxel, RMC
Borough Clerk