



**THE BOROUGH OF LAWN SIDE
RESOLUTION NO. 52-2025**

**RESOLUTION COMMITTING THE BOROUGH OF LAWN SIDE TO DCA'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, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding 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, the DCA Report calculates the Borough of Lawnside's (County of Camden) Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of twenty-nine (29) and a Prospective Need or New Construction Obligation of thirty-five (35); 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 biding 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 Lawnside accepts the DCA calculations of the municipality's fair share obligations and commits to its fair share of twenty-nine (29) units present need and thirty-five (35) units 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, the Borough of Lawnside reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough of Lawnside 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 Lawnside 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 governing body of the Borough finds that it is in the best interest of the Borough of Lawnside 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 issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

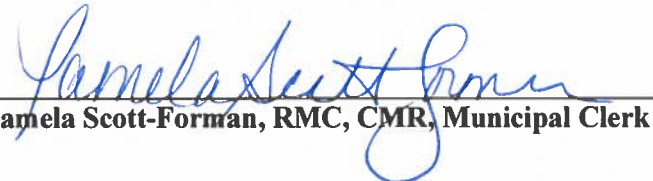
WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

WHEREAS, the Borough seeks a certification of compliance with the FHA and, therefore, directs its appointed counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Camden County.

NOW, THEREFORE, BE IT RESOLVED on this day, by the Council and Mayor of Lawnside, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Lawnside hereby commits to the DCA Round 4 Present Need Obligation of twenty-nine (29) units and the Round 4 Prospective Need Obligation of thirty-five (35) units described in this resolution, subject to all reservations of rights set forth above.
3. The Borough of Lawnside hereby directs its duly authorized counsel to file a declaratory judgment complaint in Camden County within 48 hours after adoption this resolution, attaching this resolution.
4. The Borough of Lawnside authorizes its counsel 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.
5. This resolution shall take effect immediately, according to law.

Certification: It is hereby certified that the foregoing is a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Lawnside at a meeting held on January xx, 2025.


 Pamela Scott-Forman, RMC, CMR, Municipal Clerk

BOROUGH OF LAWNSIDE


 Pamela Scott-Forman, RMC, CMR
 Municipal Clerk


 Mary Ann Wardlow
 Mayor

ADOPTED: January 29, 2025