

ADOPTED  
01-28-2025

**RESOLUTION R: 78 - 25**

**RESOLUTION OF THE BOROUGH OF GLASSBORO, COUNTY OF  
GLOUCESTER COMMITTING TO ITS FOURTH ROUND PRESENT NEED  
AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Borough of Glassboro, County of Gloucester, State of New Jersey, (hereinafter, "Borough" or "Glassboro") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations and in fact obtained a Final Round Three Judgment of Compliance and Repose on from the Court in the matter captioned In the Matter of the Application of the Borough of Glassboro, County of Gloucester, Superior Court of New Jersey, Law Division, Docket No. GLO-L-915-15 thereby immunizing the Borough from builder remedy litigation until July 1, 2025 (the "Third Round Litigation"); and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act") establishing the statutory calculation of the state-wide fair share obligation for the Fourth Round of affordable housing for the time period 2025-2035; and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs ("DCA") to provide its calculation of every municipality's Fourth Round fair share affordable housing obligations based upon the criteria on the Amended FHA and the DCA issued a report on October 18, 2024 (the "DCA Report") wherein it supplied its calculation of the fair share affordable housing obligation for all municipalities, including the Borough of Glassboro; and

**WHEREAS**, the DCA Report calculated Glassboro's Fourth Round fair share obligations as follows: Present Need (Rehabilitation) Obligation of 121 units and a Fourth Round Prospective Need (New Construction) Obligation of zero units; 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-31(m)); and

**WHEREAS**, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey and empowers municipalities to secure other adjustments to its Prospective Need obligation; and

**WHEREAS**, the Borough intends to accept its Present Need Obligation of 121 units and a Fourth Round Prospective Need obligation of zero units as reported by the DCA in its October 18, 2024 Report subject to various other rights; and

**WHEREAS**, substantial legislative and legal activity has occurred and is ongoing since the enactment of the Amended FHA that warrants the reservation of certain rights to avoid any claim that the Borough has waived them; and

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**WHEREAS**, the Amended FHA obligates municipalities to adopt a binding resolution as to its Fourth-Round affordable housing obligations by no later than January 31, 2025 or lose immunity from builder's remedy litigation; and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24 dated December 13, 2024 and pursuant to that Directive, a municipality seeking a certification of compliance with the Act is required to file a legal 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 Mayor and Borough Council believe it is in the best interest of the Borough to declare its Fourth-Round affordable housing obligation in accordance with the Act and direct its affordable housing counsel to file a declaratory judgment action within 48 hours of the adoption of this resolution in order to retain immunity from builder's remedy litigation; and

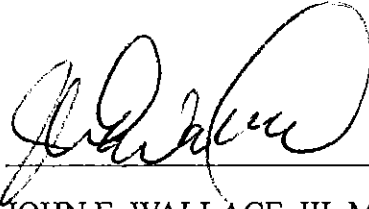
**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Glassboro, County of Gloucester, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.
2. The Borough of Glassboro commits to a Fourth Round Present Need ("Rehabilitation") Obligation of 121 units and a Prospective Need ("New Construction") obligation of zero units subject to reservations of all rights, which specifically include, without limitation, the following:
  - a. The right to conduct a windshield survey and all other applicable adjustments permitted in accordance with COAH regulations.
  - b. The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;
  - c. The right to adjust its fair share obligations in the event of a third-party challenge to the fair share obligations and the Borough of Glassboro response thereto.
3. The Borough hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.
4. The Borough also hereby authorizes its Affordable Housing Counsel to 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.

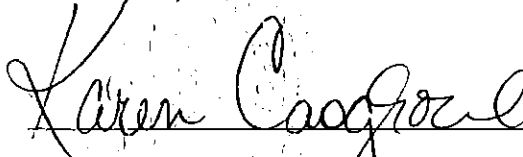
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**ADOPTED**, at a regular meeting of the Mayor and Council of the Borough of Glassboro in the County of Gloucester and State of New Jersey on January 28, 2025.

BOROUGH OF GLASSBORO

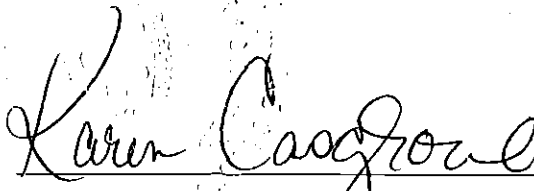
  
\_\_\_\_\_  
JOHN E. WALLACE, III, Mayor

Attest:

  
\_\_\_\_\_  
KAREN COSGROVE, Municipal Clerk

**CERTIFICATION**

I, Karen Cosgrove, Municipal Clerk, of the Borough of Glassboro, in the County of Gloucester, and State of New Jersey do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at the reorganization meeting of the Borough of Glassboro held on January 28, 2025.

  
\_\_\_\_\_  
KAREN COSGROVE  
Municipal Clerk