

RESOLUTION # 25.45**RESOLUTION OF THE BOROUGH OF PAULSBORO, GLOUCESTER COUNTY
DETERMINING THE PRESENT AND PROSPECTIVE FAIR SHARE OBLIGATION
FOR AFFORDABLE HOUSING**

WHEREAS, the New Jersey Legislature amended the State's Fair Housing Act ("Amended FHA" or "Law") pursuant to P.L. 2024, c.2 which was signed into law by the Governor on March 20, 2024; and

WHEREAS, among other amendments, the Amended FHA requires the New Jersey Department of Community Affairs ("DCA") to perform a calculation of regional need and municipal present and prospective obligations for affordable housing in accordance with the formulas established in the Law; and

WHEREAS, pursuant to the requirements of the Amended FHA, DCA has issued a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background ("DCA Report"); and

WHEREAS, in the DCA Report, DCA has calculated the Borough's present need of affordable housing obligations for Round 4 in the year 2025 to be 130 units; and

WHEREAS, the Borough's total prospective affordable housing obligation for Round 4 according to the DCA calculations for the years 2025 to 2035 is 16 units; and

WHEREAS, the Amended FHA specifically, N.J.S.A. 52:27D-304.1(f)(1), in relevant part provides as follows:

(a) With consideration of the calculations contained in the relevant report published by the department pursuant to this section, for each 10-year round of affordable housing obligations beginning with the fourth round, a municipality shall determine its present and prospective fair share obligation for affordable housing 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) by resolution, which shall describe the basis for the municipality's determination and bind the municipality to adopt a housing element and fair share plan pursuant to paragraph (2) of this subsection based on this determination as may be adjusted by the program as set forth in this subsection

(b) For the fourth round of affordable housing obligations, this determination of present and prospective fair share obligation shall be made by binding resolution no later than January 31, 2025. After adoption of this binding resolution, the municipality shall file an action regarding the resolution with the program no later than 48 hours following adoption. The resolution, along with the date of filing with the program, shall be published on the program's publicly accessible Internet website. The municipality shall also publish the resolution on its publicly accessible Internet website, if the municipality maintains one; and

WHEREAS, the Borough officials and its professional consultants have reviewed the calculations and methodology contained in the DCA Report and have determined to accept the obligations stated therein subject to specific reservation of rights including, without limitation, the following:

(a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof.

(b) As described in the Recitals, all rights to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the applicable provisions of the Amended FHA.

(c) All rights to take any contrary position in the event of a third-party challenge to the obligations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Paulsboro, County of Gloucester, and State of New Jersey, as follows:

1. The above Recitals are repeated and incorporated by reference as if set forth at length herein.

2. The Borough hereby accepts the calculations contained in the DCA Report and, specifically, DCA's determination of the Borough's present need obligation of 130 units and prospective need obligation of 16 units for the Fourth Round period 2025-2035, subject to a reservation of rights including, without limitation,

(a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;

(b) As described in the Recitals, all rights to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the applicable provisions of the Amended FHA.


(c) All rights to take any contrary position in the event of a third-party challenge to the obligations.

3. The Borough Solicitor is directed to file a Complaint for Declaratory Judgment and to file a copy of this Resolution with the Affordable Housing Alternative Dispute Resolution Program as required by the Amended FHA.

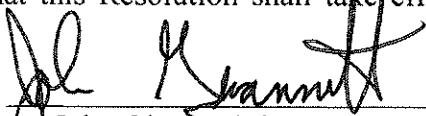
4. The Borough Administrator is directed to publish a copy of this Resolution on the Borough's website and to take any and all action necessary to proceed with the preparation of the Borough's Housing Element and Fair Share Plan for filing by June 30, 2025.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately, according to law.

ATTEST:



Elsie Tedeski, Borough Clerk



John Giovannitti, Mayor