

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

RESOLUTION #50-2025

**COMMITTING 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 Town of Guttenberg's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 116 and a Prospective Need or New Construction Obligation of 56; 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 Town of Guttenberg accepts the DCA calculations of the Town of Guttenberg's fair share obligations and commits to its fair share of 116 units present need and 56 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 Town of Guttenberg reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Town of Guttenberg 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 Town of Guttenberg 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 Mayor and Council of the Town of Guttenberg finds that it is in the best interest of the Town of Guttenberg 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 Town of Guttenberg seeks a certification of compliance with the FHA and, therefore, directs its Redevelopment Counsel, Douglas Doyle, Esq., to file a declaratory relief action within 48 hours of the adoption of this resolution in Hudson County.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of January, 2025 by the Mayor and Council of the Town of Guttenberg as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Town of Guttenberg hereby commits to the DCA Round 4 Present Need Obligation of 116 units and the Round 4 Prospective Need Obligation of 56 units described in this resolution, subject to all reservations of rights set forth above.
3. The Town of Guttenberg hereby directs its Redevelopment Counsel, Douglas Doyle, Esq., to file a declaratory judgment complaint in Hudson County within 48 hours after adoption this resolution, attaching this resolution.
4. The Town of Guttenberg authorizes its Redevelopment Counsel, Douglas Doyle, Esq., 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.


**RESOLUTION#50-2025
REGULAR MEETING
JANUARY 29, 2025**

On a motion by Councilperson: Hokien
Seconded by Councilperson: Delafuente

	Ayes	Nays	Absent	Abstain
Councilperson Delafuente	X			
Councilperson Fundora	X			
Councilperson Habermann	X			
Councilperson Hokien	X			
Councilperson Malave	X			
Mayor Zitt	X			

I, Dr. Cosmo A. Cirillo, Municipal Clerk for the Town of Guttenberg do hereby certify this to be a true and correct copy of a resolution adopted by the Mayor and Council at a meeting held on January 29, 2025.

Attest:
January 30, 2025



Dr. Cosmo A. Cirillo, RMC
Town of Guttenberg