

TOWN OF HARRISON

Meeting Date: 01/21/2025



Committee: Legal

Resolution #: R-2025-011

Presented by Councilperson:
Ellen Mendoza

HUDSON COUNTY

A RESOLUTION ACCEPTING THE FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS PROMULGATED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE TOWN OF HARRISON

- 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 Harrison’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of two hundred fifty-seven (257) and a Prospective Need or New Construction Obligation of ZERO (0); 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 binding court decisions” (N.J.S.A. 52:27D-311(m)); and
- WHEREAS: Based on the foregoing, the Town of Harrison (“Town”) accepts the DCA calculations of Harrison’s fair share obligations and accepts its fair share of two hundred fifty-seven (257) units present need/rehabilitation obligation and ZERO (0) units prospective need subject to any vacant land and/or downward 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 reserves all rights as to compliance with any additional amendments to the FHA that the Legislature may enact; and
- WHEREAS: The Town 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 reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present/Rehabilitation or Prospective Need Obligations should be lower than described herein; and
- WHEREAS: In light of the above, the Mayor and Council of the Town finds that it is in the best interest of the Town to declare its acceptance of 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 Harrison seeks a certification of compliance with the FHA and, therefore, directs its Town Attorney to file declaratory relief action in Hudson County within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

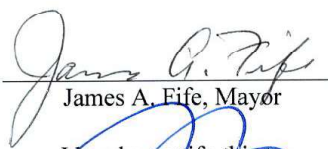
THAT: The Town of Harrison hereby accepts the DCA Round 4 Present Need/Rehabilitation Obligation of two hundred fifty-seven (257) units and the Round 4 Prospective Need Obligation of ZERO (0) units described in this resolution, subject to all reservations of rights set forth above.

THAT: The Town of Harrison hereby directs its Town Attorney, Castano Quigley Cherami LLC, to file a declaratory judgment complaint in Hudson County within 48 hours after adoption of this resolution.

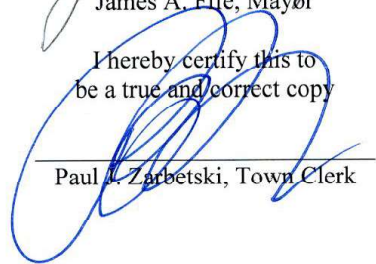
THAT: The Town of Harrison authorizes the Town Attorney to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the DCA or any other such entity as may be determined to be appropriate.

THAT: This resolution shall take effect immediately, according to law.

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. CAMANO	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. MENDOZA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. SARABANDO	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. VILLALTA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. FIFE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


 James A. Fife, Mayor

I hereby certify this to be a true and correct copy


 Paul J. Zarbetski, Town Clerk