

Resolution of the City of Jersey City, N.J.

File No. Res. 25-075
Agenda No. 10.35
Approved: Jan 29 2025



A RESOLUTION OF THE CITY OF JERSEY CITY, COUNTY OF HUDSON, COMMITTING TO COMPLY WITH AFFORDABLE HOUSING OBLIGATIONS FOR ROUND 4.

COUNCIL offered and moved adoption of the following resolution:

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 Round 4 (2025-2035) obligations of the City of Jersey City as to be 3,733 for the Present Need or Rehabilitation Obligation and 0 for the Round 4 Prospective Need; 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 municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey and also empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, the City of Jersey City reserves its rights to pursue a reduction of its rehab obligation through the windshield study authorized by COAH's rules; and

WHEREAS, based on the foregoing, the City of Jersey City accepts the DCA calculations of its fair share obligations and commits to its fair share of 3,733 units present need and 0 units prospective need subject to all applicable adjustments; and

WHEREAS, the City of Jersey City reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the City of Jersey City 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 City of Jersey City 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 City of Jersey City finds that it is in the best interest of the City 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

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A Resolution of the City of Jersey City, County of Hudson, committing to comply with affordable housing obligations for Round 4.

WHEREAS, the City of Jersey City seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in Hudson County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:


1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The City of Jersey City hereby commits to the DCA Round 4 Present Need Obligation of 3733 units and the Round 4 Prospective Need Obligation of 0 subject to all reservations of rights, which specifically include:
 - a) The right to adjust the Present Need (the rehab obligation) based on a windshield survey in accordance with COAH regulations;
 - b) The right to adjust its obligation in the event of any future legislation that adjusts the obligations the DCA reported on October 18, 2024;
 - c) The right to adjust its obligations based upon any ruling in the Montvale litigation or other litigation; and
 - d) The right to adjust its obligations in the event of a third party challenge to the obligations of the City of Jersey City and the City defends itself.
3. The City of Jersey City hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Hudson County within 48 hours after adoption this resolution attaching this resolution.
4. The City of Jersey City authorizes its Affordable Housing 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.

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APPROVED AS TO LEGAL FORM



 Business Administrator



 Corporation Counsel


Certification Required

RECORD OF COUNCIL VOTE – Jan 29														7-0	
	AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent	N.V. – (Abstain)
RIDLEY	✓				SALEH	✓				DEGISE					✓
PRINZ-AREY	✓				SOLOMON	✓				RIVERA					✓
BOGGIANO	✓				GILMORE	✓				WATTERMANN, PRES	✓				

Adopted at a meeting of the Municipal Council of the City of Jersey.



 President of Council



 City Clerk

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RESOLUTION FACT SHEET -

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Project Manager

John McKinney, Attorney	5229	jmckinney@jcnj.org
Department	Department of Law	
Division	Corporation Counsel	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Jan 29 2025
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Purpose

To commit to the rehabilitation of 3,733 affordable housing units with various reservations.
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Approved by
 John McKinney, Attorney
 John Metro, Business Administrator

Status:
 Approved - Jan 17 2025
 Approved - Jan 22 2025