



Kearny Town Council
402 Kearny Avenue
Kearny, NJ 07032
ADOPTED
RESOLUTION 2025-66

DOC ID: 15520

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 Kearny

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 Kearny’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 630 and a Prospective Need or New Construction Obligation of ZERO; 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 Kearny accepts the DCA calculations of Kearny’s fair share obligations and accepts its fair share of 630 units present need/rehabilitation obligation and ZERO units prospective need subject to any vacant land and/or durational downward 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 of Kearny 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 Kearny reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present/Rehabilitation or Prospective

Resolution 2025-66

Meeting of January 21, 2025

Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Council of the Town of Kearny finds that it is in the best interest of the Town of Kearny 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 Kearny seeks a certification of compliance with the FHA and, therefore, directs its Town Attorney to file a declaratory relief action in Hudson County within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January 2025 by the Mayor and Council of the Town of Kearny as follows:

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

2. The Town of Kearny hereby accepts the DCA Round 4 Present Need/Rehabilitation Obligation of 630 units and the Round 4 Prospective Need Obligation of ZERO units described in this resolution, subject to all reservations of rights set forth above.

3. The Town of Kearny 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.

4. The Town of Kearny 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.

5. This resolution shall take effect immediately, according to law.

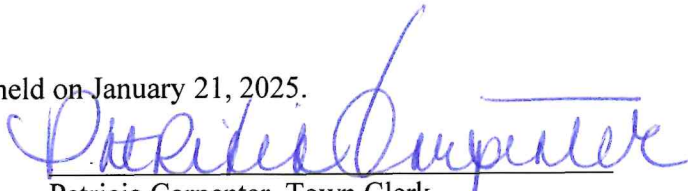
CERTIFICATION

I, Patricia Carpenter, Town Clerk of the Town of Kearny, County of Hudson, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the

Resolution 2025-66

Meeting of January 21, 2025

Mayor and Council at a meeting held on January 21, 2025.


Patricia Carpenter, Town Clerk

James Bruno

ADOPTED: January 21, 2025

I hereby certify that the foregoing resolution was adopted by the Council on **January 21, 2025**.


PATRICIA CARPENTER
TOWN CLERK

RESULT:	ADOPTED [7 TO 0]
MOVER:	Carol Jean Doyle, Mayor
SECONDER:	Stathis Theodoropoulos, Council Member
AYES:	Doyle, Eckel, DeCastro, Ficeto, Zapata, Theodoropoulos, Esteves
ABSTAIN:	Jose Rodrigues
ABSENT:	Dennis Solano