

CITY OF LAMBERTVILLE

RESOLUTION NO. 43-2025

RESOLUTION OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, ESTABLISHING THE CITY'S FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT TO THE FAIR HOUSING ACT AS CALCULATED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the current standards embodied in the New Jersey Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., include a methodology for the calculation of municipalities' Fourth Round obligations for providing low- and moderate-income housing to residents; and

WHEREAS, the FHA requires that the New Jersey Department of Community Affairs ("DCA") perform a calculation of regional need and municipal present and prospective obligations in accordance with the formulas established in the FHA; and

WHEREAS, the FHA provides municipalities the option to adopt the DCA's findings of present and prospective need, or to promulgate an alternative present and prospective need, along with documentation that the municipality's calculations conform to the FHA's methodology; and

WHEREAS, a municipality that stipulates to its Fourth Round present and prospective need obligations in accordance with the FHA's methodology via binding resolution adopted no later than January 31, 2025, is entitled to a presumption of immunity from exclusionary zoning litigation, and municipality's determination of its present and prospective fair share obligations is entitled to a presumption of validity beginning on March 1, 2025, unless challenged initiated through the Affordable Housing Dispute Resolution Program (the "Program") outlined in the FHA; and

WHEREAS, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Program, explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, the DCA performed the calculation pursuant to the FHA and on or about October 18, 2024, and issued a report entitled "Affordable Housing Obligation for 2025-2035 (Fourth Round)) Methodology and Background" ("Fourth Round Report"); and

WHEREAS, in the Fourth Round Report the DCA calculation indicates the City of Lambertville has a Fourth Round present need of zero (0) units and a prospective need of thirty-nine (39) very low-, low- and moderate-income units; and

WHEREAS, the City of Lambertville intends to comply with amendments to the FHA, its rules and regulations; and

WHEREAS, the City of Lambertville reserves the right to adjust its Fourth Round present and/or prospective need 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, though not to exceed a present need obligation of zero (0) units and a prospective need of thirty-nine (39) very low, low, and moderate income units; and

WHEREAS, the New Jersey Administrative Office of the Courts (“AOC”) adopted Directive #14-24 on December 13, 2024, which requires municipalities seeking a certification of compliance with the FHA to file a declaratory judgment complaint with the Superior Court of New Jersey, Civil Part within forty-eight (48) hours of adoption of the municipal resolution accepting the municipality’s Fourth Round present and prospective need pursuant to the FHA; and

WHEREAS, the Amended FHA requires municipalities to satisfy various administrative and procedural requirements in connection with the adoption of a resolution stipulating to the municipality’s Fair Share Obligation, including but not limited to the publication of this Resolution on the City’s publicly accessible Internet website and the filing of an action with the Program through the Judiciary’s electronic filing systems, within forty-eight (48) hours of the adoption of this Resolution; and

WHEREAS, the City has reviewed the DCA Fourth Round Report and assessed the calculation contained therein, and accept this calculation of the Fourth Round present and prospective affordable housing need attributable to the City of Lambertville subject to any downward revision as the result of a decision of a court of competent jurisdiction or an action by the State Legislature.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, and State of New Jersey, that:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein; and
2. The City of Lambertville has reviewed and accepts the calculation of a present need of zero (0) units and a prospective need of thirty-nine (39) units for the Fourth Round as calculated by the Department of Community Affairs; and
3. The City of Lambertville reserves the right to adjust its Fourth Round affordable housing obligations not to exceed an amount of present need of zero (0) units and a prospective need of thirty-nine (39) units, in the event that a decision of a court of competent jurisdiction or an action by the New Jersey Legislature would result in calculation of a lower obligation for the City; and
4. Pursuant to the FHA, the Clerk of the City of Lambertville shall publish this duly adopted resolution on the City’s publicly accessible Internet website within 48 hours of adoption; and
5. The City of Lambertville is determined to address the January 31, 2025, deadline established in the FHA for the acceptance and determination of its Fourth Round

affordable housing obligations in order to maintain immunity from exclusionary zoning litigation by filing this resolution with the Program within 48 hours of adoption; and

6. Pursuant to AOC Administrative Directive #14-24, within 48 hours of adoption of this resolution the City's Affordable Housing Counsel is authorized and directed to file a declaratory judgment complaint with the Superior Court of New Jersey consistent with this Resolution and to take such further actions as are necessary to maintain the City's compliance with the Fair Housing Act; and
7. The City shall comply with all Fourth Round requirements and deadlines set forth in the FHA, as may be amended by a decision of a court of competent jurisdiction or by an action of the New Jersey Legislature.

ADOPTED: January 16, 2025



I, Cynthia L. Ege, CMR, RMC, City Clerk of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, certify this to be a true copy of the resolution adopted by the Governing Body of the City of Lambertville at the regularly scheduled meeting held on January 16, 2025 held in-person at the Phillip L. Pittore Justice Center located at 25 South Union Street and streamed live using the virtual meeting platform Zoom.

A handwritten signature in cursive script, appearing to read "Cynthia L. Ege".

Cynthia L. Ege, CMR, RMC, City Clerk