



**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION #54-2025

RESOLUTION ACCEPTING DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS AND COMMITTING TO ADOPT AND FILE A HOUSING PLAN AND FAIR SHARE PLAN ELEMENT COMPLYING WITH LAW

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 Lebanon Borough's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 7, and a Prospective Need or New Construction Obligation for of 31; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, and that municipalities "shall determine [their] present and prospective fair share obligations for affordable housing in accordance with the formulas established in [the Amended FHA] by resolution, and that the resolution shall "bind the municipality to adopt a housing element and fair share plan pursuant to [the Amended FHA] based on this determination as may be adjusted"; and

WHEREAS, the Amended FHA further provides that "a] 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, Lebanon Borough accepts the DCA calculations of Lebanon Borough's fair share obligations and commits to its fair share of 7 units of present need and 31 units of 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, Lebanon Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Lebanon Borough 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, Lebanon Borough 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 Lebanon Borough Council finds that it is in the best interest of Lebanon Borough 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 the Declaratory Judgment complaint must have attached to it a copy of the municipal Resolution; and

WHEREAS, Lebanon Borough seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel Joseph S. Novak, Esq. to file a declaratory relief action within 48 hours of the adoption of this resolution in Hunterdon County, which Declaratory Judgment action shall have attached to it a copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on this 15th day of January, 2025 by the Borough Council of the Borough of Lebanon, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this Resolution.
2. Lebanon Borough hereby determines that its Round 4 Present Need Obligation is 7 units and its Round 4 Prospective Need Obligation is 31 units described in this Resolution subject to all reservations of rights set forth above.
3. Lebanon Borough hereby commits to adopt a housing element and fair share plan pursuant to the Amended FHA based on its determination of its Round 4 fair share affordable housing obligations as set forth above, as may be adjusted pursuant to the Amended FHA and subject to all reservations of rights set forth above.

- 4. Lebanon Borough hereby directs its Borough Attorney Joseph Novak Esq. to file a declaratory judgment complaint in Hunterdon County within 48 hours after adoption this Resolution, attaching this Resolution.
- 5. Lebanon Borough authorizes Attorney Joseph Novak 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.
- 6. This Resolution shall take effect immediately, according to law.

Introduced and adopted:

Ayes: Burton, Berger, Crawford, Kirchofer, Porcello, Baldinger

Absent: -None

ATTEST: Karen M. Romano, RMC, CMR

LEBANON BOROUGH COUNCIL

Richard J. Burton, Council President

CERTIFICATION

I, Karen M Romano, Lebanon Borough Administrator/Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 15th day of January, 2025; that this resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Date: January 15, 2025

Karen M. Romano, RMC, CMR
Lebanon Borough Administrator/ Clerk



