

EXHIBIT A

**RESOLUTION OF THE BOROUGH OF HELMETTA, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, COMMITTING TO ROUND 4 PRESENT AND
PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

RESOLUTION 2025-78

WHEREAS, the Borough of Helmetta, County of Middlesex, State of New Jersey (hereinafter, "Helmetta"), has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024, based upon the criteria in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Helmetta's Round 4 (2025-2035) fair share affordable housing obligations as follows: a Present Need (Rehabilitation) Obligation of 3 and a Prospective Need (New Construction) Obligation of 24; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Round 4 fair share affordable housing obligations; and

WHEREAS, the Amended FHA gives municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA on October 18, 2024, based upon the standards in Sections 6 and 7 of the Act; 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 the Council on Affordable Housing ("COAH") unless those regulations are contradicted by statute, including the Act, or binding court decisions" (N.J.S.A 52:27D-311 (m)); and

WHEREAS, the DCA has released a Geographic Information Systems (GIS) spatial data representation of the *Land Capacity Analysis* for P.L. 2024, c.2, containing the vacant and developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, Helmetta has performed a *Land Capacity Analysis* assessment via its GIS map and reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development (See Exhibit A to this Resolution); and

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WHEREAS, based on the foregoing, Helmetta relies on the DCA calculations of Helmetta's fair share obligations as modified herein to account for Helmetta's review of the lands identified by the DCA, and finds that both its Present Need (Rehabilitation) Obligation and Prospective Need (New Construction) Obligation are 0; and

WHEREAS, at this time, the Borough is awaiting the issuance of final municipal fair share numbers and, therefore, reserves the right to modify its declared fair share obligations upon further review and assessment; and

WHEREAS, the Borough was delayed in the assessment and passage of this resolution due to unforeseen circumstances, specifically the resignation of the prior Borough Attorney and the transition in legal representation, which necessitated additional time to ensure a thorough review of the Borough's obligations; and

WHEREAS, it is therefore important that Helmetta not commit to an incorrect obligation at this time; and

WHEREAS, the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Act; and

WHEREAS, Helmetta's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Act; and

WHEREAS, in addition to setting forth its Round 4 fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025, as to their obligations; and

WHEREAS, in light of the above, Helmetta finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act; and

NOW, THEREFORE, BE IT RESOLVED, on this 19th day of March, 2025, by the Governing Body of the Borough of Helmetta, County of Middlesex, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.
2. For the reasons set forth in this resolution and its attachments, Helmetta commits to a Round 4 Present Need (Rehabilitation) Obligation of 0 and a Round 4 Prospective Need (New Construction) Obligation of 0, subject to all reservations of rights, which specifically include, without limitation, the following:

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- a) The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the Act and COAH regulations;
 - b) The right to adjust its fair share obligation in the event of any future legislation that modifies the fair share obligations reported by the DCA;
 - c) The right to adjust its fair share obligations based upon any ruling in pending or future litigation challenging the methodology or calculations set forth in the DCA Report; and
 - d) The right to adjust its fair share obligations in the event of a third-party challenge to the fair share obligations and Helmetta’s response thereto.
3. Helmetta hereby directs the Borough Attorney, Sandra Graise, Esq., of Florio Perrucci Steinhardt Cappelli & Tipton, to take all necessary actions to ensure compliance with the Amended FHA, including the filing of any necessary documents with the appropriate agencies or courts as may be required.
 4. This resolution shall take effect immediately, according to law.

	Motion	Second	Aye	Nay	Abstain	Absent
Karczewski			✓			
Bohinski		✓	✓			
Duffy			✓			
Dzingleski			✓			
Reid			✓			
Stasi	✓		✓			

CERTIFICATION

I, Melissa Hallerman, Acting Municipal Clerk of the Borough of Helmetta, Middlesex County, New Jersey, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Borough Council at the meeting held on March 19, 2025.

MELISSA HALLERMAN, RMC
Municipal Clerk