

**RESOLUTION OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF N.J., COMMITTING TO COMPLY WITH ROUND 4 (7/25 -7/35) AFFORDABLE HOUSING OBLIGATIONS**

**RESOLUTION # 54- 2025**

**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 Borough’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of zero (0) and a Prospective Need or New Construction Obligation of 206; and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support alternative 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**, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Borough accepts the DCA calculations of the Borough’s fair share obligations and commits to having a Housing Plan element and Fair Share Plan element adopted and submitted to the Program and to the Court, subject to any vacant land and/or durational adjustments and/or other adjustments it may seek, as provided for in the Amended FHA; and

**WHEREAS**, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, the 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, the Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present Need or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Mayor and Council find that it is in the best interest of the Borough to determine its Round 4 Present Need and Prospective Need to be the numbers calculated by the DCA on October 18, 2024 subject to the reservations set forth herein; and

**WHEREAS**, in light of the above, the Mayor and Council find that it is also in the best interest of the Borough to commit to having a Housing Plan element and Fair Share Plan element adopted and submitted to the Program and to the Court, subject to any vacant land and/or durational adjustments and/or other adjustments it may seek, as provided for in the Amended FHA; 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 Borough seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a Declaratory Judgement action within 48 hours of the adoption of this resolution in Morris County Superior Court.

**NOW, THEREFORE, BE IT RESOLVED** on this 27th day of January, 2025 by the Borough as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough hereby accepts the DCA Round 4 Present Need Obligation of zero (0) units and the DCA Round 4 Prospective Need Obligation of 206 units described in this resolution, and determines that the aforesaid DCA numbers are the Borough’s fair share affordable housing Present Need and Prospective Need obligations for Round 4.
3. The Borough hereby commits to having a Housing Plan element and Fair Share Plan element of the Borough’s Master Plan adopted based on the above determination of its fair share affordable housing Present Need and Prospective Need obligations as may be adjusted in accordance to the reservations of rights set forth above and in accordance with the Amended FHA.

4. The Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint in the Morris County Superior Court within 48 hours after adoption of the within resolution.

5. The Borough hereby directs its Affordable Housing Counsel to attach the within resolution as an exhibit to the Declaratory Judgment complaint that is filed and to submit and/or file this resolution with the DCA and any other entity as may be determined to be appropriate.

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

ADOPTED AND APPROVED  
January 27, 2025

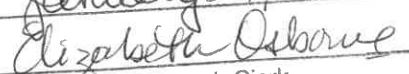
  
ROBERT H. CONLEY, Mayor

Attest:

  
ELIZABETH OSBORNE, Borough Clerk



I, Elizabeth Osborne, Clerk of the Borough of Madison, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Council at a duly convened meeting

held January 27, 2025  
  
Elizabeth Osborne, Borough Clerk