

2053-25

**CITY OF CLIFTON  
RESOLUTION REGARDING THE CITY OF CLIFTON'S PRESENT AND  
PROSPECTIVE FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS FOR THE  
FOURTH (4<sup>TH</sup>) ROUND**

**WHEREAS**, on March 20, 2024, an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. was signed into law ("Amended FHA"); and,

**WHEREAS**, the Amended FHA requires the New Jersey Department of Community Affairs ("DCA") to determine non-binding estimates of fair share obligations on or before October 20, 2024; and,

**WHEREAS**, on October 18, 2024, the DCA issued a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth (4<sup>th</sup>) Round) Methodology and Background" ("DCA Report"), wherein the DCA reported its estimate of the obligations for all municipalities based upon its interpretation of the standards set forth in the Amended FHA; and,

**WHEREAS**, the DCA Report calculates the City of Clifton's ("City") Fourth (4<sup>th</sup>) Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of Eight Hundred Eighty Four (884) and a Prospective Need (New Construction) Obligation of Zero (0); 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 Fourth (4<sup>th</sup>) Round affordable housing obligations; and,

**WHEREAS**, pursuant to the Amended FHA, the City may either accept the determination of its Present and Prospective Need Obligations as calculated by the DCA or make its own determination as to same; 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". See N.J.S.A. 52:27D-311(m); and,

**WHEREAS**, said COAH regulations authorize municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and,

**WHEREAS**, based on the foregoing, and after careful consideration in conjunction with the advice and input from its various professionals, the City has determined that it is in its best interest to accept the DCA calculations of the City's fair share obligations and commits to its fair share of a Present Need (Rehabilitation) Obligation of Eight Hundred Eighty Four (884) and a Prospective Need (New Construction) Obligation of Zero (0), subject to any vacant land, durational and/or other adjustments that the City may seek as part of its Housing Element and Fair Share Plan ("HEFSP") that it subsequently submits in accordance with the Amended FHA; and,

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

**WHEREAS**, in the event that a third (3<sup>rd</sup>) party challenges the calculations provided for in this Resolution, the City reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth (4<sup>th</sup>) Round Present or Prospective Need Obligations should be lower than as described herein.

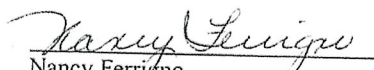
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Clifton, County of Passaic, State of New Jersey that the City hereby commits to its fair share of a Present Need (Rehabilitation) Obligation of Eight Hundred Eighty Four (884) and a Prospective Need (New Construction) Obligation of Zero (0) as determined by the DCA for the Fourth Round of affordable housing obligations, subject to any vacant land, durational and/or other adjustments that the City may seek as part of its Housing Element and Fair Share Plan ("HEFSP") that it subsequently submits in accordance with the Amended FHA; and,

**BE IT FURTHER RESOLVED** that the City's Affordable Housing Counsel is hereby directed and authorized to file a declaratory judgment action with the Superior Court of New Jersey, Passaic County no later than forty-eight (48) hours following adoption of this Resolution seeking a compliance certification regarding its fair share affordable housing obligation for the Fourth (4<sup>th</sup>) Round and that a copy of this Resolution shall be made part of such Court filing; and,

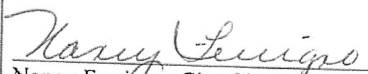
**BE IT FURTHER RESOLVED**, that the City Clerk is further authorized to immediately post a copy of this Resolution on the City's website.

**CERTIFICATION**

I, Nancy Ferrigno, City Clerk of the City of Clifton, hereby certifies that this is a true copy of a Resolution approved by the Mayor and Municipal Council, in the County of Passaic, State of New Jersey at a regular meeting held on the 21<sup>st</sup> day of January, 2025.

  
Nancy Ferrigno  
City Clerk, City of Clifton

Adopted: January 21, 2025

  
Nancy Ferrigno, City Clerk