

BOROUGH OF NORTH HALEDON

RESOLUTION

TITLE: COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS

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 of North Haledon's (North Haledon) Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 228; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower 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 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, North Haledon accepts the DCA calculations of North Haledon's fair share obligations and commits to its fair share of 0 units present need and 228 units 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, North Haledon reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, North Haledon 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, North Haledon 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 Mayor and Council of the Borough of North Haledon finds that it is in the best interest of North Haledon 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

WHEREAS, North Haledon seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel, Michael J. Pasquale, Esq., to file a declaratory relief action within 48 hours of the adoption of this resolution in Passaic County.

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, 2025 by the Mayor and Council of the Borough of North Haledon as follows:

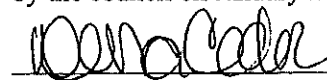
1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. North Haledon hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 228 units described in this resolution, subject to all reservations of rights set forth above.
3. North Haledon hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Passaic County within 48 hours after adoption this resolution, attaching this resolution.
4. North Haledon authorizes its Affordable Housing Counsel 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.
5. This resolution shall take effect immediately, according to law.


 Randy George, Mayor

Duly adopted
this 28th day of January 2025


 Dena Cedar, Deputy Municipal Clerk

CERTIFICATION:
 I, Dena Cedar, Deputy Municipal Clerk of the Borough of North Haledon, County of Passaic, State of New Jersey do hereby certify this copy of resolution #45-2025 to be a true copy as adopted by the council on January 28, 2025.


 Dena Cedar, Deputy Municipal Clerk