

Resolution Number
2025-47

**RESOLUTION OF THE BOROUGH OF RINGWOOD COMMITTING TO FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to produce an estimate of the Fourth Round affordable housing obligations on or before October 20, 2024, based upon the criteria set forth in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Ringwood's Fourth Round (2025-2035) obligations as follows: Present Need (Rehabilitation) Obligation of 26 and Prospective Need (New Construction) Obligation of 133; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding and authorizes municipalities to either accept, or provide alternate calculations, to the DCA's calculations for present and prospective fair share obligations "by binding resolution no later than January 31, 2025", which deadline has been extended to February 3, 2025 by Acting Administrative Director of the Administrative Office of Courts via Directive #14-24 ("AOC Directive #14-24"), dated December 13, 2024 (issued on December 19, 2024); and

WHEREAS, the Borough submits this Resolution in satisfaction of the requirements of the Amended FHA, by **accepting** the DCA estimate of the Borough's need as described in the DCA Report; and

WHEREAS, Section 3 of 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 Amended FHA; and

WHEREAS, the Borough's acceptance of the Fourth Round obligations calculated by the DCA as follows: Present Need (Rehabilitation) Obligation of 26 and Prospective Need (New Construction) Obligation of 133, is entitled to a "presumption of validity" because it is established in compliance with Sections 6 and 7 of the Amended FHA; 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, the Borough specifically reserves the right to adjust its fair share obligations in accordance with the COAH Regulations and the following, if applicable: (a) a survey, such as a windshield survey, which accounts for a higher-resolution estimate of present need and/or (b) an adjustment predicated upon regional planning entity formulas, inputs or considerations,

Resolution Number
2025-47

including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission, inclusive of their regulations and planning documents; and

WHEREAS, based on the foregoing, the Borough of Ringwood accepts the DCA calculations of the Borough of Ringwood's fair share obligations and commits to its fair share of 26 units present need and 133 units prospective need subject to any vacant land and/or durational adjustment, and/or any other permitted adjustment 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, the Borough of Ringwood reserves all rights to revoke or amend this Resolution and commitment, as may be necessary and/or appropriate, based on any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, the Borough of Ringwood also reserves all rights to revoke or amend this Resolution and commitment, as may be necessary and/or appropriate, in the event of a successful challenge to the Amended FHA pursuant to the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Ringwood reserves the right (which reservation shall include but not be limited to a reservation of litigation rights and positions, without prejudice) to take such position as it deems appropriate in response thereto, including that its Fourth Round Present or Prospective Need Obligations are lower than described herein; and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase to the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Governing Body of the Borough of Ringwood finds that it is in the best interest of the Borough of Ringwood to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

WHEREAS, in addition to the foregoing, pursuant to AOC 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 and Civil Case Information Statement (Civil CIS) 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, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of AOC Directive #14-24 and the Borough of Ringwood reserves any and all rights and remedies in relation to AOC Directive #14-24; and

WHEREAS, the Borough of Ringwood seeks a Certification of Compliance with the FHA and from the Program and, therefore, directs its Affordable Housing Counsel to file a Declaratory Judgement Complaint and Case Information Statement in Passaic County, or such other

Resolution Number
2025-47

appropriate venue with the Program or any other entity as may be deemed appropriate, within 48 hours of the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on this 21 day of January 2025 by the Borough Council of the Borough of Ringwood, Passaic County, State of New Jersey, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. For the reasons set forth in this Resolution, the Borough of Ringwood hereby commits to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 26 units and the Fourth Round Prospective Need (New Construction) Obligation of 133 units as described in this Resolution, subject to all reservations of rights set forth herein and as follows:

a) The right to adjust the Borough of Ringwood's fair share obligations based upon applicable COAH regulations (including but not limited to a Vacant Land Adjustment and/or a Durational Adjustment), and a survey (such as a windshield survey), and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and

b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and

c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third-party challenge to the Borough of Ringwood's fair share obligations.

3. The Borough of Ringwood, in accordance with the requirements of the Amended FHA and the Acting Administrative Director of the Administrative Office of Court's Directive #14-24, dated December 13, 2024 (issued on December 19, 2024), hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint and a Case Information Statement in Passaic County, or any other appropriate venue with the Program or any other entity as may be deemed appropriate, within 48 hours after adoption this resolution.

4. The Borough of Ringwood, in accordance with the requirements of the Amended FHA and the Acting Administrative Director of the Administrative Office of Court's Directive #14-24, dated December 13, 2024 (issued on December 19, 2024), further authorizes its Affordable Housing Counsel to attach this Resolution as an exhibit to the Declaratory Judgment Complaint that is filed and to submit and/or file this Resolution with the Program or any other such entity as may be deemed appropriate.

5. If any part(s) of this Resolution shall be deemed invalid, such part(s) shall be severed and the validity thereof shall not affect the remaining parts of this Resolution.

6. All resolutions or parts thereof inconsistent with this Resolution are hereby rescinded.

7. This Resolution shall take effect immediately, according to law.

Resolution Number
2025-47



I Hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of January 21, 2025.

Jaime Matteo Landis
JAIME MATTEO-LANDIS, MAYOR

Nicole Langenmayr
NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Matteo-Landis			X			
Kerr			X			
Baumgartner			X			
Echols		X	X			
Kiraly			X			
Noonan			X			
Rubacky	X		X			