

**RESOLUTION 25-0121-039**

**BOROUGH OF SOMERVILLE**

**RESOLUTION OF THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET,  
ADOPTING ITS PRESENT NEED AND PROSPECTIVE NEED FOR THE FOURTH  
ROUND OF AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law Bill A4/S50, codified as P.L. 2024, c.2 (the "**Amended FHA**"), which amends the New Jersey Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301, et seq.) and other related housing laws; and

**WHEREAS**, pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing ("**Fair Share Obligation**") during the 10-year period beginning on July 1, 2025 (the "**Fourth Round**"); and

**WHEREAS**, pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality's determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

**WHEREAS**, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the "**Program**"), explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

**WHEREAS**, on October 18, 2024, the New Jersey Department of Community Affairs (the "**DCA**") published a report with an estimate of the fair share affordable housing obligations of all municipalities, which, pursuant to the Amended FHA, may be taken into consideration by a municipality but shall not be binding on a municipality when calculating a municipality's respective Fair Share Obligation; and

**WHEREAS**, with the assistance of its professionals, the Borough of Somerville (the "**Borough**") has reviewed and wishes to accept the DCA's recommended Fair Share Obligation for the Fourth Round consisting of a Present Need obligation of 103 units and a Prospective Need obligation of 74 units; and

**WHEREAS**, in accordance with N.J.S.A. 52:27D-311(m) of the Amended FHA, the Borough reserves its right to take a vacant land adjustment, which may result in a reduction to the new construction portion of its Fair Share Obligation; and

**WHEREAS**, the Borough reserves its right to revise its Fair Share Obligation in the event that a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Borough; and

**WHEREAS**, the Amended FHA requires municipalities to satisfy various administrative and procedural requirements in connection with the adoption of a municipality's Fair Share Obligation, including but not limited to the publication of this Resolution to the Borough's publicly accessible Internet website and the filing of an action with the Program through the Judiciary's electronic filing systems, within forty-eight (48) hours of the adoption of this Resolution; and

**WHEREAS**, the Borough Council directs the Borough Clerk to satisfy all required notice and publications requirements, and authorizes the Borough and its professionals to take all actions required to file the necessary action with the Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Somerville that the:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Borough of Somerville has reviewed and wishes to accept the DCA's recommended Fair Share Obligation for the Fourth Round consisting of a Present Need obligation of 103 units and a Prospective Need obligation of 74 units.
3. The Borough reserves its right to take a vacant land adjustment, which may result in a reduction to the new construction portion of its Fair Share Obligation.
4. The Borough reserves its right to revise its Fair Share Obligation in the event that a decision of a court of competent jurisdiction, or an action by the New Jersey Legislature, would result in a lower calculation of an obligation for the Borough.
5. The Municipal Clerk be and is hereby directed to forward a copy of this Resolution to the Department of Community Affairs and to publish a copy to the Borough's publicly accessible Internet website within forty-eight (48) hours of the adoption of this Resolution.
6. The Borough be and is hereby directed to file an action with the Affordable Housing Alternative Dispute Resolution Program regarding this Resolution in compliance with the Amended FHA, and the Mayor and Borough Clerk are authorized to execute any and all documents required for said purpose.

7. This Resolution shall take effect immediately.

**SO RESOLVED**, as aforesaid.

Adopted by Borough Council on January 21, 2025

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Clerk/Administrator

I, Kevin Sluka, Borough Clerk of the Borough of Somerville, County of Somerset, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on January 21, 2025.

  
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 Kevin Sluka, Clerk/Administrator

| Councilmember | Motion | Second | Aye | Nay | Abstain | Recused | Absent |
|---------------|--------|--------|-----|-----|---------|---------|--------|
| Bonner        |        | X      | X   |     |         |         |        |
| Conte         |        |        | X   |     |         |         |        |
| Denys         |        |        | X   |     |         |         |        |
| Pitts         | X      |        | X   |     |         |         |        |
| Stravic       |        |        | X   |     |         |         |        |
| Vroom         |        |        | X   |     |         |         |        |