



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## Resolution 25-207

**TITLE:**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF OAKLAND ENDORSING THE FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE OAKLAND PLANNING BOARD**

**WHEREAS**, the Borough of Oakland (hereinafter the "Borough") has demonstrated a history of voluntary compliance with its affordable housing obligations evidenced in its Third-Round record; and

**WHEREAS**, pursuant to N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Borough filed a Declaratory Judgment Complaint in the Superior Court, Law Division, seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share," of the regional need for low and moderate housing pursuant to the "Mount Laurel doctrine," and

**WHEREAS**, the Borough's actions culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits including builder's remedy lawsuits, until July 1, 2025; and

**WHEREAS**, the Borough continues to incorporate and implement its Court approved Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2. which amended the 1985 Fair Share Housing Act (hereinafter the "Amended FHA"); and

**WHEREAS**, in accordance with the Amended FHA in the Administrative Office of the Courts Directive #14-24, the Borough filed a timely Fourth Round Declaratory Judgment Complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program (the "Program") on January 28, 2025; and

**WHEREAS**, in its DJ Complaint, the Mayor and Council of the Borough of Oakland accepted the Department of Community Affairs' Fourth Round Affordable Housing present need calculations of 10 units and modified the prospective need obligation to 252 units based upon the report of the Borough's professional planner; and

**WHEREAS**, The New Jersey Builders Association (hereafter "Builders") filed a timely challenge to the Borough's determination of its prospective need determination; and

**WHEREAS**, the Borough and the New Jersey Builders Association engaged in lengthy negotiations with the assistance of the Court appointed Program Member, the Hon. Thomas C. Miller A.J.S.C. (Ret.); and

**WHEREAS**, as a result of the settlement negotiations, The Borough and the Builders Association agreed upon a present need for the Borough of 10 units and a prospective need of 286 units; and

**WHEREAS**, an Order was entered by The Honorable Gregg A. Padovano, J.S.C. of the Superior Court establishing the Borough's obligation pursuant to the settlement on May 19, 2025; and

**WHEREAS**, the Borough authorized the preparation of a Fourth Round Housing Element and Fair Share Plan to be prepared by the Board's Planner, Caroline Reiter; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13 the Planning Board of the Borough held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 23rd, 2025; and

**WHEREAS**, on the 23rd day of June 2025, the Planning Board adopted the Fourth Round Housing Element and Fair Share Plan and recommended same to the Mayor and Council for endorsement.

**NOW THEREFORE BE IT RESOLVED**, on this 23<sup>rd</sup> day of June 2025, that the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, hereby endorses the Fourth Round Housing Element and Fair Share Plan as adopted by the Borough of Oakland Planning Board; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Oakland, pursuant to the Amended FHA and NJAC 5:97-2.1(a), submit this Resolution for compliance certification for its Fourth Round Affordable Housing obligation.

The within Resolution was duly adopted by the Oakland Mayor and Council at a meeting on June 23, 2025.

#### RECORD OF COUNCIL VOTE:

Motion – by Councilman: Saliani Second – by Councilman: Rose

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
McCann		✓			Saliani	✓			
Pignatelli			✓		Slasinski			✓	
Rose	✓				Talamini	✓			
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: June 23, 2025

Eric Kulmala  
Eric Kulmala, Mayor

Wendi Seelin  
Wendi Seelin, Acting Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.