

**RESOLUTION OF THE
BOROUGH OF OLD TAPPAN**

**RESOLUTION ENDORSING THE FOURTH ROUND HOUSING ELEMENT
AND FAIR SHARE PLAN**

WHEREAS, the Borough of Old Tappan (hereinafter the "Borough") has a demonstrated 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, that 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 22, 2025; and

WHEREAS, in a binding Resolution and the DJ Complaint the Borough disputed the 4th Round prospective need obligation calculated by the Department of Community Affairs of 233 units, and opined that its prospective need obligation was 121 units and accepted the present need obligation as calculated by the DCA of 4 units; and

WHEREAS, the Fair Share Housing Center filed an Answer to the DJ Complaint, both objecting to the position taken by the Borough; and

WHEREAS, a settlement was entered into establishing the Borough's 4th Round Affordable Housing obligation for present need at 4 units and prospective need at 212 units; and

WHEREAS, an amended Order was entered by The Honorable Lina Corriston of the Superior Court establishing same on May 30, 2025; and

WHEREAS, the Borough authorized the preparation of a Fourth Round Housing Element and Fair Share Plan to be prepared by the Board Planner, John Szabo of Burgis & Associates; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13 that the Land Use Board of the Borough held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 11, 2025; and

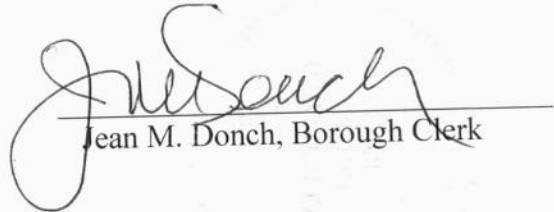
WHEREAS, on the 11th day of June 2025, the Land Use Board adopted the Fourth Round Housing Element and Fair Share Plan and recommended it to the Mayor and Council for endorsement.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June 2025, that the Mayor and Council of the Borough of Old Tappan, County of Bergen, State of New Jersey, hereby endorses the Fourth Round Housing Element and Fair Share Plan as adopted by the Borough of Old Tappan Land Use Board; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Old Tappan , 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 Old Tappan Mayor and Council at a meeting on June 16, 2025.

The within Resolution was duly adopted by the Borough Council at a meeting on June 16, 2025.


Jean M. Donch, Borough Clerk

NAME	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
Binaghi						X
Boyce	X		X			
Gwon		X	X			
Marti			X			
Massaro			X			
Yhu			X			