

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

RESOLUTION #224-2025

RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF GUTTENBERG AUTHORIZING AND DIRECTING THE AMENDMENT OF RESOLUTION #202-2025, PREVIOUSLY ADOPTED BY THE GOVERNING BODY ON SEPTEMBER 25, 2025, BY CORRECTING SCRIVENER ERRORS SUBSEQUENTLY DISCOVERED THEREIN AND RATIFYING AND REAFFIRMING RESOLUTION #202-2025 WITH RESPECT TO THE ENDORSEMENT BY THE GOVERNING BODY OF THE 4TH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE TOWN OF GUTTENBERG JOINT PLANNING/ZONING BOARD

WHEREAS, the Town of Guttenberg, County of Hudson, State of New Jersey, (hereinafter, "Guttenberg") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter, the "Amended FHA" or "Act" or "4th Round Rules"); and

WHEREAS, the 4th Round Rules abolished the Council on Affordable Housing (hereinafter, "COAH"), and delegated its responsibilities to the New Jersey Department of Community Affairs (hereinafter, "DCA"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (the "Program"), ordered to be formed by the same law, and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to the Act and Directive #14-24 issued by the Director on December 13, 2024, a municipality desiring to participate in the Program was obligated to take the following actions by January 31, 2025: (1) adopt a "binding resolution" determining present and prospective need affordable housing obligations and (2) to file an action in the form of a declaratory judgment complaint in the County in which the municipality is located within 48 hours after the municipality's adoption of a binding resolution; and

WHEREAS, the Guttenberg Mayor and Council (hereinafter, the "Governing Body"), pursuant to and as required by the Act and Directive #14-24, adopted Resolution #50-2025 in a timely manner on January 29, 2025, this constituting the required adoption of a binding resolution determining Guttenberg's Present Need, representing the need for rehabilitation of substandard homes in the municipality, occupied by low- and moderate-income households, based upon publicly available local estimates of housing that lacks adequate plumbing or kitchens, is overcrowded, is more than 50 years old, and is likely to be occupied by low- and moderate-income households, and Prospective Need, representing the need for newly constructed or preserved affordable housing units projected over the next 10 years, calculated for "regions" consisting of

three to four counties and allocated to each municipality based upon factors that consider their available vacant land, median household income, and growth in equalized assessed non-residential property value relative to their region, affordable housing obligations and directed the filing of the required declaratory judgment action, which action was filed in a timely manner on January 31, 2025 in the Superior Court of New Jersey, Law Division, Hudson County Vicinage, bearing Docket No. HUD-L-406-25 (hereinafter, the "DJ Action"); and

WHEREAS, Guttenberg is located in Region 1, identified in the 4th Round Rules as consisting of all municipalities in Bergen, Hudson, Passaic and Hudson Counties; and

WHEREAS, the filing of the DJ Action, in accordance with the Act and the Directive, gave Guttenberg immunity from exclusionary zoning ("Builder's Remedy") lawsuits, which immunity continues to be in full force and effect; and

WHEREAS, by Order filed in the DJ Action on May 19, 2025 (hereinafter, the "Order"), Hudson County Vicinage Designated Mt. Laurel Judge, the Honorable Joseph A. Turula, P.J.Cv., fixed Guttenberg's Present Need obligation at 116 units and Prospective Need obligation at 56 units, as calculated by the DCA and as set forth in Resolution #50-2025 adopted by the Governing Body; and

WHEREAS, the Act also requires that a Fourth Round Housing Element and Fair Share Plan, presenting a strategy for satisfying Guttenberg's Present Need and Prospective Need obligations outlined in the Order over the next 10 years in order to preserve immunity from Builder's Remedy lawsuits, be prepared and adopted by the Guttenberg Join Planning/Zoning Board (hereinafter, "Planning Board"), and endorsed by the Governing Body, on or before June 30, 2025; and

WHEREAS, the Order also granted an extension of this June 30, 2025 date, requiring that Guttenberg's Housing Element and Fair Share Plan be adopted by the Planning Board and endorsed by the Governing Body no later than September 30, 2025; and

WHEREAS, in accordance with the Act and the Order, Guttenberg's Affordable Housing Planning Consultant, Paul Ricci, AICP, PP, of Ricci Planning (hereinafter, the "Guttenberg Affordable Housing Planner") prepared a Housing Element and Fair Share Plan, dated June 8, 2025, entitled the "Housing Element and Fair Share Plan, Town of Guttenberg, Hudson County, New Jersey" (hereinafter, the "4th Round HEFSP"), which is on file with the Guttenberg Municipal Clerk, addressing Guttenberg's Present Need and Prospective Need affordable housing obligations for the Fourth Round; and

WHEREAS, the 4th Round HEFSP includes a Fourth Round spending plan component (hereinafter, the "4th Round Spending Plan"), pursuant to N.J.S.A. 52:27D-329.2 of the Amended Act, and the Directive, which projects anticipated revenues to Guttenberg's Affordable Housing Trust Fund, and describes estimated expenditures of funds to address its fair share obligation as set forth in the 4th Round HEFSP and which specifically establishes that the expenditure of funds contemplated in the 4th Round Spending Plan constitute a 'commitment' for expenditure pursuant to N.J.S.A. 52:27D-329.2(d) of the Amended Act,

with the four-year time period beginning to run with the date of collection of the funds as extended by virtue of the date of the Superior Court's approval of this 4th Round HEFSP; and

WHEREAS, on September 24, 2025, the Planning Board, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-13, held a public hearing to review and consider for adoption the 4th Round HEFSP prepared by the Guttenberg Affordable Housing Planner, addressing Guttenberg's Fourth Round affordable housing obligations, including the Fourth Round Present Need and Prospective Need obligations as established by the Order and, by Resolution #2025-21 adopted September 24, 2025, the Planning Board approved and adopted the 4th Round HEFSP, finding that the 4th Round HEFSP is consistent with the goals and objectives of Guttenberg's current Master Plan and that adoption of the 4th Round HEFSP is in the best interests of Guttenberg; and

WHEREAS, the Governing Body, by Resolution #202-2025 adopted September 25, 2025, endorsed the 4th Round HEFSP as adopted by the Planning Board and subsequent to the adoption of Resolution #202-2025 it was discovered that Resolution #202-2025 contained certain scrivener errors and the Governing Body has deemed it to be in the best interests of Guttenberg to now adopt this Resolution for the purpose of correcting those scrivener errors in Resolution #202-2025, with this Resolution, upon adoption by the Governing Body, replacing Resolution #202-2025 *nunc pro tunc* as of September 25, 2025; and

WHEREAS, a true and correct copy of the HEFSP, including the Fourth Round Spending Plan component, is annexed hereto as Exhibit A; and

WHEREAS, a true and correct copy of Planning Board Resolution #2025-21 adopting the HEFSP is annexed hereto as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the Town of Guttenberg, County of Hudson, State of New Jersey as follows:

1. The Governing Body, in order to correct scrivener errors contained in Resolution #202-2025 adopted by the Governing Body on September 25, 2025, hereby adopts this Resolution and this Resolution shall amend and replace the entirety of Resolution #202-2025, *nunc pro tunc* as of September 25, 2025.
2. The Governing Body hereby adopts the 4th Round Spending Plan component of the 4th Round HEFSP.
3. The Governing Body does hereby endorse the 4th Round HEFSP as adopted by the Planning Board on September 24, 2025.
4. The Governing Body does hereby authorize the filing of this Resolution endorsing the 4th Round HEFSP adopted by the Planning Board on eCourts for review by the Program.

5. The Mayor and Clerk, together with other appropriate officers and employees of Guttenberg and Guttenberg's engaged professionals, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
6. The Town reserves the right to further amend the 4th Round HEFSP should that be necessary.
7. This Resolution shall take effect immediately.

RESOLUTION# 224-2025
REGULAR MEETING
OCTOBER 22, 2025

On a motion by Councilperson: Hokien
 Seconded by Councilperson: Delafuente

	Ayes	Nays	Absent	Abstain
Councilperson Delafuente	X			
Councilperson Fundora	X			
Councilperson Habermann	X			
Councilperson Hokien	X			
Councilperson Malave	X			
Mayor Zitt	X			

I, Dr. Cosmo A. Cirillo, Municipal Clerk for the Town of Guttenberg do hereby certify this to be a true and correct copy of a resolution adopted by the Mayor and Council at a meeting held on October 22, 2025.

Attest:
 October 23, 2025

Dr. Cosmo A. Cirillo, RMC
 Town of Guttenberg