

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

**RESOLUTION #225-2025**

**AMENDING RESOLUTION#202-2025 ENDORSING THE 2025  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**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 "4<sup>th</sup> Round Rules"); and

**WHEREAS**, the 4<sup>th</sup> 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 "4<sup>th</sup> 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 4<sup>th</sup> Round HEFSP includes a Fourth Round spending plan component (hereinafter, the "4<sup>th</sup> 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 4<sup>th</sup> Round HEFSP and which specifically establishes that the expenditure of funds contemplated in the 4<sup>th</sup> 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 4<sup>th</sup> Round HEFSP; and

**WHEREAS**, by Resolution #2025-21 adopted September 24, 2025, the Planning Board approved and adopted the HEFSP, finding that the HEFSP is consistent with the goals



and objectives of Guttenberg's current Master Plan and that adoption of the HEFSP is in the best interest of Guttenberg; 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 4<sup>th</sup> 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 4<sup>th</sup> Round HEFSP, finding that the 4<sup>th</sup> Round HEFSP is consistent with the goals and objectives of Guttenberg's current Master Plan and that adoption of the 4<sup>th</sup> Round HEFSP is in the best interests of Guttenberg; and

**WHEREAS**, the Governing Body, by Resolution #202-2025 adopted September 24, 2025, endorsed the 4<sup>th</sup> 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 an amended Resolution for the purpose of correcting those scrivener errors in Resolution #202-2025, with the amended Resolution, upon adoption by the Governing Body, replacing Resolution #202-2025 *nunc pro tunc* as of September 24, 2025; and

**WHEREAS**, pursuant to the Amended Act, the Program, and related affordable housing regulations and policies, in order to assure the creditworthiness of the various compliance techniques included in its HEFSP, Guttenberg must demonstrate adequate and stable funding sources; and

**WHEREAS**, since Guttenberg is committed to securing judicial approval of its HEFSP, in order to provide an adequate and stable funding source for the components of the HEFSP, Guttenberg shall rely on the funds in its Affordable Housing Trust Fund, established by the Town's Developer's Fee Ordinance, Town Municipal Code §25-1.7 et seq.; and

**WHEREAS**, if, after Guttenberg has exhausted every potential funding source and every valid compliance technique, Guttenberg remains unable to secure sufficient funding to completely satisfy its affordable housing obligations without being forced to raise or expend municipal revenues in order to provide low- and moderate-income housing, Guttenberg will cover such costs through bonding and/or other legal means; and

**WHEREAS**, Guttenberg wishes to leave no question as to Guttenberg's intent to cover the cost of implementing its HEFSP or any modification thereof that may be necessary.

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

1. In order to provide adequate and stable funding for its Fourth Round Housing Element and Fair Share Plan, Guttenberg shall maximize use of its funds from its Affordable Housing Trust Fund to facilitate the economic feasibility of the compliance techniques set forth

in Guttenberg's Fourth Round Housing Element and Fair Share Plan.

2. If, after exhausting every potential funding source available and its Affordable Housing Trust Fund, Guttenberg remains unable to secure sufficient financing to completely satisfy its affordable housing obligations pursuant to the HEFSP within the timeframes established by the Amended Act, Guttenberg will fully fund, by way of municipal bonding, any gaps in financing to assure the economic feasibility of the affordable compliance techniques included in Guttenberg's Fourth Round Housing Element and Fair Share Plan.

3. Guttenberg reserves the right to recoup any subsidy provided through future collections of development fees as such funds become available.

**RESOLUTION# 225-2025**  
**REGULAR MEETING**  
**OCTOBER 22, 2025**

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

|                                 | <b>Ayes</b> | <b>Nays</b> | <b>Absent</b> | <b>Abstain</b> |
|---------------------------------|-------------|-------------|---------------|----------------|
| <b>Councilperson Delafuente</b> | X           |             |               |                |
| <b>Councilperson Fundora</b>    | X           |             |               |                |
| <b>Councilperson Habermann</b>  | X           |             |               |                |
| <b>Councilperson Hokien</b>     | X           |             |               |                |
| <b>Councilperson Malave</b>     | X           |             |               |                |
| <b>Mayor Zitt</b>               | 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

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Dr. Cosmo A. Cirillo, RMC  
 Town of Guttenberg