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June 25, 2025

Honorable Darren J. Del Sardo, P.J. Cv.
Superior Court of New Jersey, Law Division
Passaic County Courthouse
77 Hamilton Street
Paterson, New Jersey 07505

RE: In the Matter of the Borough of Totowa
Docket No.: PAS-L-396-25

Dear Judge Del Sardo:

With reference to the above noted matter and as the municipal attorney for the Borough of Totowa, the Plaintiff/Petitioner herein and pursuant to the provisions of N.J.S.A. 52:27D-304.1 and AOC Directive #14-24, please find enclosed herewith for filing with the Affordable Housing Dispute Resolution Program ("Program"), the following, to wit:


1. The Borough of Totowa's Resolution endorsing its 2025 Fourth Round Housing Element and Fair Share Plan (HEFSP).

This document is submitted in compliance with New Jersey "Fair Housing Act," P.L. 1985, c. 222, N.J.S.A. 52:27D-301 et seq., as amended by L. 2024, c.2, and AOC Directive #14-24.

If the Court or Program requires anything further, please do not hesitate to have Your Honor's Chambers or the assigned Program Member contact the undersigned at any time.

We thank the Court and the Program for their courtesy and consideration.

Respectfully submitted,
Corrado & Corrado Esqs.

By: 
Kristin M. Corrado, Esq.
Attorneys for Plaintiff/Petitioner
Borough of Totowa

KMC:jw

Enc.

cc: Honorable Mayor and Council
Joseph Wassel, RMC, Municipal Clerk

BOROUGH OF TOTOWA
COUNTY OF PASSAIC
STATE OF NEW JERSEY

RESOLUTION NO. 87-2025

RESOLUTION OF THE BOROUGH OF TOTOWA, COUNTY OF PASSAIC AND
STATE OF NEW JERSEY, ENDORSING THE 2025 FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN
ADOPTED BY THE BOROUGH OF TOTOWA PLANNING BOARD
ON JUNE 19, 2025

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 ("FHA"); and

WHEREAS, amongst other things, P.L. 2024, c. 2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (Program) and established new procedures and deadlines for municipalities to come into compliance with the FHA and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance with the FHA in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c.2; and

WHEREAS, amongst other things, Directive #14-24 and P.L. 2024, c. 2, require each municipality to adopt a binding Resolution setting forth its Fourth-Round present and prospective need obligations and file a Declaratory Judgment action with the Program through the New Jersey e-courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

WHEREAS, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Borough of Totowa timely adopted a Resolution No. 26-2025 setting forth the Borough's pre-credited/unadjusted Fourth Round affordable housing obligations on January 28, 2025 and on January 28, 2025 the Borough uploaded same to the Program and filed a Declaratory Judgment action with the Program, which is entitled In the Matter of the Declaratory Judgment Action of the Borough of Totowa, Passaic County Pursuant to P.L. 2024, Chapter 2 (N.J.S.A. 52:27D-304.1, et seq.) Docket No.: PAS-L-396-25 (Borough's "2025 Action"); and

WHEREAS, on May 1, 2025 Passaic County Mount Laurel Judge, the Honorable Darren J. Del Sardo, P.J.Civ., issued an Order in the Borough's 2025 Action fixing the Borough's Fourth Round pre-credited/unadjusted Present Need Obligation at "211" and gross Prospective Need Obligation at "390" and which Order directs the Borough to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

WHEREAS, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Del Sardo, the Borough's Municipal Planner has since prepared the Borough's 2025 Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, on timely prior notice to the public on June 19, 2025, the Borough of Totowa Planning Board adopted the Borough's 2025 Fourth Round Housing Element and Fair Share Plan following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Borough Council of the Borough of Totowa has since reviewed the 2025 Fourth Round Housing Element and Fair Share Plan, and now desires to endorse the 2025 Fourth Round Housing Element and Fair Share Plan previously adopted by the Borough of Totowa Planning Board on June 19, 2025.

NOW, THEREFORE, BE IT RESOLVED, on this 24th day of June, 2025, by the Mayor and Council of the Borough of Totowa, County of Passaic, and State of New Jersey, as follows:

1. The Borough of Totowa does hereby endorse the 2025 Fourth Round Housing Element and Fair Share Plan adopted by the Borough of Totowa Planning Board on June 19, 2025.
2. The Borough's Municipal Attorney is hereby directed to file the Borough's 2025 Fourth Round Housing Element and Fair Share Plan, this Resolution and all relevant supporting documentation and exhibits with the Program in the Borough's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c. 2.
3. Should any challenge to the Borough's 2025 Fourth Round Housing Element and Fair Share Plan be filed, the Borough Municipal Attorney and Municipal Planners are hereby directed to defend the Borough against such challenge(s) and take all necessary steps in furtherance thereof.

4. The Borough Municipal Attorney, Municipal Planner and all other appropriate officials, employees and other professionals of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Borough maintains its immunity from exclusionary zoning and builder's remedy.
5. A certified copy of this Resolution and the Borough's 2025 Fourth Round Housing Element and Fair Share Plan shall remain on file with the Borough for the purpose of public inspection, and shall be uploaded to the Borough's website in accordance with the requirements of the FHA and Directive #14-24.
6. Notice of this action shall be published in the official newspapers for the Borough of Totowa.
7. This Resolution shall take effect immediately, according to law.

ATTEST:

BOROUGH OF TOTOWA

Kathryn Wasilewski

Kathy Wasilewski
Deputy Municipal Clerk, Borough of Totowa

John Coiro

John Coiro
Mayor

I Kathy Wasilewski, Deputy Municipal Clerk of the Borough of Totowa, do hereby certify that the above is a true copy of a Resolution passed by the Municipal Council of the Borough of Totowa at a Regular Meeting held on June 24, 2025.

Kathryn Wasilewski

Kathy Wasilewski
Deputy Municipal Clerk