

**RESOLUTION ACCEPTING NJDCA'S FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED
NUMBERS, SUBJECT TO ANY ADJUSTMENT THROUGH THE
HOUSING ELEMENT REVIEW PROCESS**

RESOLUTION # 68-0-2025

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Wanaque's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 15 and a Prospective Need or New Construction Obligation of 183 affordable units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments, sewer service area, highlands are restrictions, as well as durational adjustments; and

WHEREAS, based on the foregoing, the Borough of Wanaque accepts the DCA calculations as the Borough's fair share obligations and commits to its fair share of 15 units present need and 183 units prospective need subject to any vacant land, sewer service area, and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough of Wanaque also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) as may be appealed, or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Borough of Wanaque finds that it is in the best interest of the Borough to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

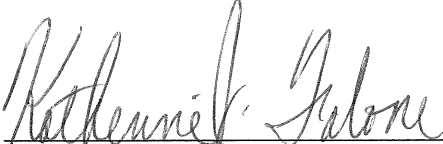
WHEREAS, the Borough seeks a certification of compliance with the FHA and, therefore, directs its Special Legal Counsel and Borough Attorney to file a declaratory relief action on or about February 3, 2025.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025 by the Borough Council of the Borough of Wanaque as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Wanaque hereby commits to the DCA Round 4 Present Need Obligation of 15 units and the Round 4 Prospective Need Obligation of 183 units described in this resolution, subject to all reservations of rights set forth above.
3. The Borough of Wanaque hereby authorizes its Special Legal Counsel and Borough Attorney to file a declaratory judgment action in Passaic County on or before February 3, 2025.
4. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Katherine J. Falone, Clerk of Wanaque, County of Passaic, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council at a meeting held on January 27, 2025.



Katherine J. Falone, RMC, CMC
Municipal Clerk