

RESOLUTION CERTIFICATION BOX

	MOVED	SECONDDED	AYES	NAYS	ABSENT	ABSTAIN	I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Mountainside at a Meeting held on January 21, 2025.  Martha Lopez, Borough Clerk
Councilman Rene Dierkes		☒	☒				
Councilman Steven Matejek			☒				
Councilwoman Donna Pacifico					☒		
Councilman Donald Rinaldo	☒		☒				
Councilman Alex Van Deusen			☒				
Councilwoman Valerie Wass			☒				
Mayor Paul Mirabelli							

RESOLUTION 32- 2025

WHEREAS, the Borough of Mountainside, County of Union, State of New Jersey, (“Mountainside”) has been the beneficiary of a Judgment of Repose since September 10, 2014, which was entered by the Honorable Karen Cassidy, J.S.C. after she approved Mountainside’s 2014 Housing Element and Fair Share Plan; and

WHEREAS, after such Judgment of Repose was entered Mountainside facilitated the construction of each of the three inclusionary projects that were contemplated by Mountainside’s 2014 Housing Element and Fair Share Plan; and

WHEREAS, beyond the affordable housing units anticipated by Mountainside’s 2014 Housing Element and Fair Share Plan Mountainside has encouraged and facilitated the construction of additional units; 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 “Amended FHA” or “Act”) concerning the Round 4 affordable housing obligations for the years 2025 - 2035; and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to provide an estimate of the present need, also referred to as the rehab obligation, and the Round 4 prospective need of all municipalities by October 20, 2024 based upon the criteria in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) setting forth its estimate of the present need and the Round 4 prospective need obligation for all municipalities based upon its interpretation of the standards in the Act; , wherein it reported Mountainside’s Round 4 Present Need (Rehabilitation) Obligation as 120 and its Round 4 Prospective Need Obligation as 171; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding and municipalities have the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA based upon the standards mandated by the Act; 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 the Council on Affordable Housing (“COAH”) unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey and also empower municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, Mountainside accepts its Present Need (“Rehabilitation”) Obligation of 120 as reported by the DCA in its October 18, 2024 Report subject to its right to do a windshield survey in accordance with COAH standards in conjunction with the Housing Element and Fair Share Plan it files by June 30, 2025; and

WHEREAS, Mountainside with the assistance of its Professionals has reviewed the data used by DCA that is the basis for the 3 allocation factors used to determine Mountainside’s share of the regional need; and

WHEREAS, more specifically, Mountainside’s Professionals reviewed the data that the DCA used to compute the Land Capacity Allocation Factor that the DCA provided on or about November 27, 2024; and

WHEREAS, in the following comment the DCA acknowledged that data it used might be incorrect and invited municipalities to provide more detailed data;