

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

RESOLUTON NO. 01-27-25-01

**RESOLUTION REGARDING THE BOROUGH OF NORTH PLAINFIELD'S PRESENT
AND PROSPECTIVE FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS FOR
THE FOURTH (4TH) ROUND**

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

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

WHEREAS, on October 18, 2024, the DCA issued a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth (4th) Round) Methodology and Background" ("DCA Report"), wherein the DCA reported its estimate of the obligations for all municipalities based upon its interpretation of the standards set forth in the Amended FHA; and,

WHEREAS, the DCA Report calculates the Borough of North Plainfield's ("Borough") Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of four hundred twenty-seven (427) and a Prospective Need (New Construction) Obligation of sixty four (64); and,

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

WHEREAS, pursuant to the Amended FHA, the Borough may either accept the determination of its Present and Prospective Need Obligations, as calculated by the DCA, or make its own determination as to same; 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 binding court decisions". See N.J.S.A. 52:27D-311(m); and,

WHEREAS, said COAH regulations authorize municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and,

WHEREAS, said COAH regulations further authorize municipalities to secure an adjustment to their Present Need (Rehabilitation) Obligation through a windshield survey; and,

WHEREAS, the Borough has performed such a windshield survey as authorized by COAH's rules, a copy of which is attached hereto as Exhibit A, to more accurately determine the number of existing substandard housing units in the Borough and has determined that there is only a Present Need of thirty two (32), not four hundred twenty-seven (427) as determined by DCA; and,

WHEREAS, with respect to the determination of the Prospective Need (New Construction) Obligation, the DCA has released a Geographic Information Systems (GIS) spatial data representation of the Land Capacity Analysis containing the vacant and developable land information that serves as the basis for calculating the Land Capacity Factor that is required by the Amended FHA; and,

WHEREAS, the link to the DCA's GIS data indicates that the lands identified by DCA "could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program"; and,

WHEREAS, the Borough has reviewed the lands identified by the DCA for the Land Capacity Factor to ascertain whether these identified lands may accommodate development and has determined that the areas the DCA identified as being developable are overinclusive; and,

WHEREAS, the Borough's Affordable Housing Planner, Paul Grygiel, AICP, PP, has prepared a report, a copy of which is attached hereto as Exhibit B, which shows the lands that the Borough contends must be removed from the inventory of sites used to calculate the Land Capacity Factor; and,

WHEREAS, based on the above, the Borough's Present Need Obligation must be revised to thirty two (32) from four hundred (427) as determined by the DCA, to accurately reflect the number of existing substandard housing units in the Borough, and the Borough's Prospective Need Obligation must be revised to fifty nine (59) from sixty four (64) that was determined by DCA, to accurately reflect the developable lands in the Land Capacity Factor, subject to any vacant land, durational and/or other adjustments that the Borough may seek as part of the Housing Element and Fair Share Plan ("HEFSP") it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and,

WHEREAS, in the event that a third (3rd) 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 Fourth (4th) Round Present or Prospective Need Obligations should be lower than as described herein.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, Somerset County, New Jersey that the Borough hereby commits to a fair share Present Need (Rehabilitation) Obligation of thirty two (32), as determined by the Borough's

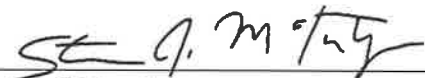
windshield survey, and a Prospective Need (New Construction) Obligation of fifty-nine (59), as determined by the Borough's Affordable Housing Planner for the reasons set forth herein, for the Fourth (4th) Round of affordable housing obligations, subject to any vacant land, durational and/or other adjustments that the Borough may seek as part of its HEFSP that it subsequently submits in accordance with the Amended FHA; and,

BE IT FURTHER RESOLVED that the Borough's Affordable Housing Counsel is hereby directed and authorized to file a declaratory judgment action with the Superior Court of New Jersey, Somerset County no later than forty-eight (48) hours following adoption of this Resolution seeking a compliance certification regarding its fair share affordable housing obligation for the Fourth (4th) Round and that a copy of this Resolution shall be made part of such Court filing; and,

BE IT FURTHER RESOLVED, that the Acting Borough Clerk is further authorized to immediately post a copy of this Resolution on the Borough's website.


Lawrence La Ronde, Mayor


Council President


Council Member

CERTIFICATION

I, Michele Garry, RMC, Borough Clerk of the Borough of North Plainfield, hereby certifies that this is a true copy of a Resolution approved by the Borough Council of the Borough of North Plainfield, Somerset County, New Jersey at a special meeting of the Borough Council held on the 27th day of January, 2025.


Michele Garry, RMC, CMR
Acting Borough Clerk, Borough of North Plainfield