

**RESOLUTION #53-25  
BOROUGH OF SADDLE RIVER  
BERGEN COUNTY, NJ**

Date: 01/22/25

**RESOLUTION COMMITTING TO DCA'S FAIR SHARE NUMBERS**

**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 requires 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's Fourth Round (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 75 and a Prospective Need or New Construction Obligation of 249 ; 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 Fourth Round 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 binding court decisions" (N.J.S.A 52:27D-311 (m)); and

**WHEREAS**, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Borough accepts the DCA calculations of the Borough's fair share obligations and commits to its fair share of 75 units of present need and 249 units of prospective need subject to any vacant land 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 reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, the Borough also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) 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 Fourth Round Present or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Mayor and Council 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 of the Courts 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 Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of the within resolution in Bergen County.

**NOW, THEREFORE, BE IT RESOLVED** on this \_\_\_ day of January, 2025 by the Borough as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough hereby commits to the DCA Fourth Round Present Need Obligation of 75 units and the Fourth Round Prospective Need Obligation of 249 units described in this resolution subject to all reservations of rights set forth above

3. The Borough hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Bergen County within 48 hours after adoption of the within resolution and to attach a copy of the within resolution to the declaratory judgment complaint.

4. The Borough hereby directs its Clerk to submit a copy of the within resolution to the DCA via email to [lpsmail@dca.nj.gov](mailto:lpsmail@dca.nj.gov) and to mail a hard copy by certified mail to the DCA Office of Local Planning Services at PO Box 800, Trenton, NJ 08625-0800.

5. This resolution shall take effect immediately, according to law.

	<b>MOTION</b>	<b>SECOND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Carpenter, Duncan</b>			<b>X</b>			
<b>DiGirolamo, Christopher</b>		<b>X</b>	<b>X</b>			
<b>Hekemian, David</b>	<b>X</b>		<b>X</b>			
<b>Kurpis, Jonathan</b>			<b>X</b>			
<b>Liva, Jeffrey</b>			<b>X</b>			
<b>Sachdev, Ravi</b>			<b>X</b>			
<b>Kurpis, Albert J., - Mayor</b>						

I hereby certify that this is a true copy of the resolution passed at the meeting held on **January 22, 2025**.

  
 Cindy Kirkpatrick, RMC  
 Municipal Clerk

