



# Borough of Chatham

54 Fairmount Avenue ▪ Chatham ▪ NJ 07928  
973-635-0674 ▪ ChathamBorough.org

## RESOLUTION #25-87

### RESOLUTION COMMITTING TO COMPLY WITH AFFORDABLE HOUSING OBLIGATIONS

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment (P.L. 2024, c.2) 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 calculations of fair share obligations for all municipalities on or before October 20, 2024; and

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its calculations of the obligation for all municipalities; and

**WHEREAS**, the DCA Report calculates the Borough’s Round 4 (2025-2035) obligations as follows: a present need fair share obligation of eight (8) units and a prospective need fair share obligation of 181 units; and

**WHEREAS**, while the Amended FHA provides that the DCA Report is non-binding, it requires each municipality to consider the estimated numbers contained in the DCA Report and to adopt a resolution in which it determines its present need and prospective need fair share obligations in accordance with the formula established in the Amended FHA and in which it commits to have adopted a Housing Plan element and Fair Share Plan element (“HPFSP”) of the municipal Master Plan; and

**WHEREAS**, in addition to the above, the Administrative Office of the Courts (“AOC”) 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 (the equivalent of a judgement of compliance and repose) with the Amended FHA shall file Declaratory Judgment action in the county in which the municipality is located within 48 hours after adoption of the resolution referenced above, with said resolution attached to the Declaratory Judgment complaint, or by February 3, 2025, whichever is sooner,” and to have the resolution referenced above submitted to the Affordable Housing Dispute Resolution Program (the “Program”) which was established in the judiciary; 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”; and

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

**WHEREAS**, based on the foregoing, the Borough has determined to accept the DCA calculations of the Borough’s fair share obligations and commits to having a HPFSP adopted and submitted to the Program and to the Court, subject to any vacant land and/or durational adjustments and/or other adjustments it may seek, as provided for in 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 Round 4 present need or prospective need fair share obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Mayor and Council find that it is in the best interest of the Borough to determine its Round 4 present need and prospective need fair share obligations to be the numbers contained in the DCA Report subject to the reservations set forth herein; and

**WHEREAS**, in light of the above, the Mayor and Council find that it is also in the best interest of the Borough to commit to having a HPFSP adopted and submitted to the Program and to the Court, subject to any vacant land and/or durational adjustments and/or other adjustments it may seek, as provided for in the Amended FHA; and

**WHEREAS**, the Borough seeks a certification of compliance with the Amended FHA and, therefore, directs its Affordable Housing Counsel to file a Declaratory Judgement action within 48 hours of the adoption of this resolution in the Morris County Superior Court.

**NOW, THEREFORE, BE IT RESOLVED** on this 27<sup>th</sup> day of January, 2025 by the Borough as follows:

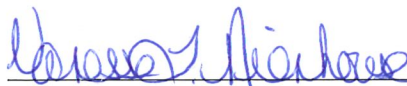
1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough hereby accepts the DCA Round 4 present need fair share obligation of eight (8) units and a prospective need fair share obligation of 181 units described in this resolution and determines that the aforesaid DCA numbers are the Borough's fair share affordable housing present need and prospective need obligations for Round 4.
3. The Borough hereby commits to having a HPFSP adopted based on the above determination of its fair share affordable housing obligations as may be adjusted in accordance to the reservations of rights set forth above and in accordance with the Amended FHA.
4. The Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint in the Morris County Superior Court within 48 hours after adoption of the within resolution.
5. The Borough hereby directs its Affordable Housing Counsel to attach the within resolution as an exhibit to the Declaratory Judgment complaint that is filed and to submit and/or file this resolution with the DCA and any other entity as may be determined to be appropriate.
6. This resolution shall take effect immediately, according to law.


Name	Motion	Second	Yes	No	Abstain	Absent
Mathiasen	X		X			
Hargrove			X			
Hay			X			
Koronkiewicz		X	X			
Strickland			X			
Treloar			X			

Adopted: January 27, 2025

Attest:

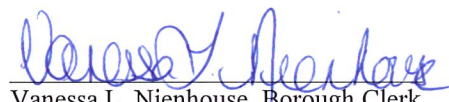
BOROUGH OF CHATHAM

  
 Vanessa L. Nienhouse, RMC, CMC  
 Borough Clerk

  
 Carolyn Dempsey  
 Mayor

CERTIFICATION

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on January 27, 2025.

  
 Vanessa L. Nienhouse, Borough Clerk