

**BOROUGH OF FANWOOD
UNION COUNTY, NEW JERSEY**

RESOLUTION: 2025-01-051

Date of Adoption: January 21, 2025

**BINDING RESOLUTION DETERMINING THE PRESENT AND PROSPECTIVE
FAIR SHARE OF THE FOURTH ROUND OF AFFORDABLE HOUSING
OBLIGATIONS FOR THE BOROUGH OF FANWOOD**

WHEREAS, the Borough of Fanwood, County of Union, State of New Jersey, has demonstrated a history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, the State of New Jersey adopted new procedural regulations for affordable housing on March 20, 2024, P.L.2024, c2, an Amendment to the 1985 Fair Housing Act ("Amended FHA"); and

WHEREAS, pursuant to the Amended FHA, the New Jersey Department of Community Affairs ("DCA") issued a report entitled "Affordable Housing Obligations for 2025 – 2035 (Fourth Round) Methodology and Background" that indicates that the Borough of Fanwood has a present rehabilitation need of 0 and a prospective need of 109 units; and

WHEREAS, the Amended FHA further provides that "parties shall be entitled to rely upon regulations on municipal credits, adjustments and compliance mechanisms adopted by the Council on Affordable Housing ...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, pursuant to the Amended Act, the Borough invokes its right to reserve all rights available under the Amended FHA, or otherwise, including a vacant land adjustment, which will result in a reduction to the new construction portion of its fair share obligation; and

WHEREAS, the Amended FHA requires that municipalities adopt a binding resolution agreeing to the present and prospective fair share obligation for the fourth round of affordable housing obligations no later than January 31, 2025; and


WHEREAS, the Borough of Fanwood finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Amended FHA; and

WHEREAS, the Amended FHA further requires that after adoption of this binding resolution, municipalities shall file a legal complaint along with the resolution with the Affordable Housing Dispute Resolution Program no later than 48 hours following adoption and shall publish the resolution on its publicly accessible Internet website; and

WHEREAS, the Borough of Fanwood seeks a certification of compliance with the Amended FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW THEREFORE BE IT RESOLVED on this 21st day of January, 2025, by the Mayor and Council of the Borough of Fanwood, in the County of Union, that the Borough determines as follows:

1. The preamble of this resolution is incorporated here as if set forth in full.
2. The Borough of Fanwood commits to a Round 4 present need (Rehabilitation) obligation of 0 units and a Round 4 prospective need (New Construction) obligation of 109 units, subject to reservation of all rights including but not limited to the foregoing.
3. The Borough hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in the appropriate venue within 48 hours after adoption of this resolution and attach same and file this resolution with the entities required pursuant to the Amended FHA.

<p>Certified to be a true copy of a Resolution adopted by the Governing Body of the Borough of Fanwood at the duly held Meeting on the 21st day of January, 2025</p>  <p>Courtney Agnello, Deputy Borough Clerk</p>	MOTION:	Gina Berry
	SECOND:	Patricia Walsh
	YES:	Patricia Walsh, Jeffrey Banks, Gina Berry, Erin McElroy Barker, Katherine Mitchell
	NO:	None
	ABSTAIN:	None
	ABSENT:	Anthony Carter