

BOROUGH OF RARITAN
RESOLUTION 2025-01-027

**ESTABLISHING THE BOROUGH'S FAIR SHARE OBLIGATIONS
FOR AFFORDABLE HOUSING FOR THE FOURTH ROUND**

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed into law amendments to the Fair Housing Act, N.J.S.A. 52:37D-301 et. sec., requiring the Department of Community Affairs (hereafter "DCA") to conduct a calculation of regional need and municipal present and prospective fair share obligations for affordable housing in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 beginning with the fourth 10-year round of housing obligations beginning July 1, 2025, (hereafter "Fourth Round") and to render a report with regards to the same; and

WHEREAS, the Department of Community Affairs published its report in October 2024, (hereafter "DCA Report"); and

WHEREAS, the DCA Report calculated the Borough's Fourth Round (2025-2035) fair share affordable housing obligation as a present need of 9 and a prospective need of 99; and

WHEREAS, the DCA Report is not binding upon the municipalities; and

WHEREAS, the Amended Fair Housing Act 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 also empower municipalities to secure vacant land adjustments, durational adjustment and other adjustments; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1), with consideration of the calculation contained in the aforesaid DCA Report, each municipality must determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 by resolution, which describes the basis for the municipality's determination and bind the municipality to adopt a housing element and fair share plan pursuant to paragraph 2 of N.J.S.A. 52:27D-304.1(3)(f); and

WHEREAS, the Borough has reviewed the DCA Report titled Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background, and its supporting documents, and

WHEREAS, based upon the foregoing, Raritan Borough accepts the DCA calculations of Raritan Borough's fair share obligations and commits to its fair share of 9 present need units and 99 prospective need units subject to any vacant land and/or durational adjustment it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended Fair Housing Act; and

WHEREAS, the Borough is aware of certain litigation before the Courts and potential additional changes to the Fair Housing Act, and therefore reserves the right to adjust its obligation based upon any adjudication in the Courts, change in legislation, change

in methodology or DCA Report, in the event of a Third-Party challenge, and commits to the within obligation numbers subject to all reservations of rights; and

WHEREAS, in light of the above, the Borough Committee of Raritan Borough finds it is in the best interest of Raritan Borough to declare its commitment to the Present Need obligation and Prospective Need Obligation reported in the DCA Report, subject to the reservations set forth herein; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Fair Housing Act shall file an action in the form of a declaratory judgment complaint in which the municipality is located within 48 hours after adoption of this resolution in Somerset County.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Committee of the Borough of Raritan, County of Somerset, State of New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. Pursuant to N.J.S.A. 52:27D-304.1(3)(f)(1) and in conformance with the formulas set forth in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:37D-304.3, the Borough Committee of Raritan Borough commits to the present fair share obligation for affordable housing of 9 units and prospective fair share obligation for affordable housing of 99 units based upon the DCA Report, for the Fourth Round, subject to all reservation of rights, including but not limited to the following:

- a. The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted;
- b. The right to comply with any future changes in legislation that changes its obligations under current law including any additional changes to the Fair Housing Act;
- c. The right to adjust the fair share obligations in the event of any future legislation that adjusts the fair share obligations as set forth in the DCA Report calculations;
- d. The right to adjust its fair share obligation based on any future adjudication by a court of competent jurisdiction; and
- e. The right to adjust its fair share obligation in the event of a Third-Party challenge to the fair share obligations and Raritan Borough's response, including that its prospective need obligation should be lower than described herein;

3. The Borough Attorney is hereby authorized to file a Declaratory Judgment action with Somerset County seeking a certification of compliance as to the Borough's Fourth Round Affordable Housing obligations, which action shall be filed within 48 hours of the adoption of this resolution and attaching this resolution as an exhibit.

4. A certified copy of this resolution along with the filing date of the Declaratory Judgment action shall be published on the Alternate Dispute Resolution Program or any

other such entity a may be determined to be appropriate. A certified copy of the resolution shall be posted on the municipal website.

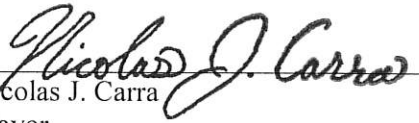
5. The Borough shall adopt a housing element and fair share plan based upon the need obligations as determined in this resolution and as may be adjusted by the Alternate Dispute Resolution Program in accordance with N.J.S.A. 52:27D-304.1(3)(f)(2) or as may be subsequently adjusted based upon the reservation of rights.

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

ATTEST:



Kimberly Mathewson
Acting Borough Clerk



Nicolas J. Carra
Mayor

I HEREBY CERTIFY that the foregoing Resolution was Adopted by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey at a Regular Meeting held in the Meeting Room of the Municipal Building, 22 First Street, Raritan, NJ 08869, on January 21, 2025.



Kimberly Mathewson
Acting Borough Clerk

MOTION	SECOND	MEMBER	YEA	NAY	ABSTAIN	ABSENT
		Agrawal				✓
		Armahizer				✓
		DiGraziano	✓			
	✓	Fritzinger	✓			
✓		Patente	✓			
		Tozzi	✓			