

**RESOLUTION #2025-39**

**RESOLUTION ESTABLISHING THE FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS FOR THE BOROUGH OF SAYREVILLE**

**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 New Jersey Department of Community Affairs (“DCA”) to produce non-binding estimates of fair share obligations for municipalities throughout the State 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 calculated the Borough of Sayreville’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 194 units and a Prospective Need Obligation of 270 units; and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support modified or corrected calculations of the Round 4 affordable housing obligations; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.3, a municipality’s average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor and shall be averaged to yield the municipality’s average allocation factor, 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 [Amended FHA], 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**, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for the Amended FHA containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

**WHEREAS**, the Borough of Sayreville and its professionals have reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals,

configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

**WHEREAS**, based on the foregoing, Sayreville Borough relies on the DCA calculations of Sayreville Borough's fair share obligations as modified herein to account for the Borough's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the attached memo prepared by the Borough's affordable housing professional planner, and Sayreville Borough seeks to commit to provide its fair share of 194 units present need and 210 units 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**, Sayreville Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, Sayreville Borough also reserves the right to adjust its position in the event of any rulings issued by New Jersey Superior Courts, 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, Sayreville Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

**WHEREAS**, in light of the above, the Borough Council of the Borough of Sayreville finds that it is in the best interest of the Borough to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

**WHEREAS**, in accordance with AOC Directive #14-24 dated December 13, 2024, the Borough Council of the Borough of Sayreville finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Borough to direct the filing of an action in the form of a declaratory judgment complaint within forty-eight (48) hours after adoption of this Resolution, or by February 3, 2025, whichever is sooner;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. All of the above WHEREAS clauses are incorporated into the operative clauses of this Resolution.

2. Sayreville Borough hereby commits to a Round 4 Present Need Obligation of 194 units, and a Round 4 Prospective Need Obligation of 210 units, modified from the DCA's calculations as explained above and in the attached

memorandum/report from the Borough's affordable housing professional planner, and subject to all reservations of rights set forth above.

3. The Borough Attorney and other appropriate Borough official is hereby authorized and directed to take all actions necessary to comply with the requirements of the Amended FHA, including the filing of a declaratory judgment complaint in Middlesex County within forty-eight (48) hours after adoption of this Resolution, attaching a copy of this Resolution as an exhibit to such filing.

4. The Borough Attorney and other appropriate Borough official is hereby authorized and directed to submit and/or file a copy of this Resolution with the Program or any other such entity as may be determined to be appropriate.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

/s/ John Zebrowski, Councilman  
(Planning & Zoning Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Joseph Sordillo, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos, RMC  
Municipal Clerk

/s/ Kennedy O'Brien,  
Mayor

	Balka	Colaci	Novak	Roberts	Synarski	Zebrowski
Ayes	X	X		X	X	X
Nays			X			
Abstain						
Absent						

I, Jessica Morelos, RMC, Municipal Clerk of the Borough of Sayreville do hereby certify that the foregoing is a true copy of a Resolution adopted at a Regular Meeting of the Mayor and Borough Council held on the 27<sup>th</sup> day of January, 2025.

Jessica Morelos  
Municipal Clerk