Borough of Chatham
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RESOLUTION #26-142

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CHATHAM EXPRESSING ITS INTENT TO PROVIDE THE FUNDS NECESSARY TO SATISFY THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on June 18, 2025, the Chatham Borough Planning Board adopted a Housing Element and Fair Share Plan, which addresses the Borough's Fourth Round "fair share" obligations; and

WHEREAS, on June 23, 2025, the Borough Council held a properly-noticed public meeting to consider endorsing the Housing Element and Fair Share Plan adopted by the Planning Board on June 18, 2025 and, after consideration of any questions or concerns raised by members of the governing body or the public, the Borough Council determined that it is in the best interest of the Borough and the region's low- and moderate-income households to endorse said Housing Element and Fair Share Plan and to direct the Borough's professionals to file said Plan with the Court and to take any and all reasonable actions to secure a Compliance Certificate approving said plan to protect the Borough from any unnecessary Mount Laurel lawsuits; and

WHEREAS, the Borough's Housing Element and Fair Share Plan includes a number of compliance mechanisms, such as an existing and a future 100% affordable housing project, rehabilitation program and the affordability assistance program; and

WHEREAS, pursuant to the State's affordable housing regulations and policies, to assure the creditworthiness of the various compliance techniques included in its Housing Element and Fair Share Plan, the Borough must demonstrate adequate and stable funding sources; and

WHEREAS, since the Borough is committed to securing judicial approval of its Affordable Housing Plan, to provide an adequate and stable funding source for the components of the Borough's Housing Element and Fair Share Plan, the Borough shall rely on the funds in its Affordable Housing Trust Fund, established by its Development Fee Ordinance; and

WHEREAS, if -- after exhausting every potential funding source and every valid compliance technique -- the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations without being forced to raise or expend municipal revenues to provide low- and moderate-income housing, the Borough will cover such costs through bonding and/or other legal means; and

WHEREAS, the Court has provided conditional approval of the Borough's Housing Element and Fair Share Plan, and the Borough wishes to leave no question as to the Borough's intent to cover the cost of implementing its Housing Element and Fair Share Plan or any modification thereof that may be necessary because of the Court's review.

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Chatham, County of Morris, State of New Jersey, as follows:

1. In order to provide adequate and stable funding for the affordable housing in its Housing Element and Fair Share Plan, Chatham Borough shall make a *bona fide*, diligent, and good faith effort to exhaust the potential funding sources;

2. The Borough shall also maximize use of the funds from its Development Fee Ordinance to facilitate the economic feasibility of the Borough's Housing Element and Fair Share Plan; and
3. If, after exhausting every potential funding source and from the Development Fee Ordinance, the Borough still cannot secure sufficient financing to completely satisfy its affordable housing obligations, the Borough will fully fund any gaps in financing including by bonding if necessary, to assure the economic feasibility of the affordable compliance techniques included in the Borough's 2025 Fourth Round Housing Element and Fair Share Plan.
4. The Borough reserves the right to recoup any subsidy provided through future collections of development fees as such funds become available.

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

Adopted: March 9, 2026
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 March 9, 2026.

Vanessa L. Nienhouse, Borough Clerk