

**Resolution of the Demarest Governing Body**

**Resolution No. 059-26**

**February 9, 2026**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Slowikowski</b>			✓			
<b>Carmeli</b>			✓			
<b>Collins</b>			✓			
<b>Fox</b>	✓		✓			
<b>Marks</b>			✓			
<b>Reiss</b>		✓	✓			

**TITLE: RESOLUTION ENDORSING THE AMENDED 2025 HOUSING ELEMENT AND FAIR SHARE PLAN**

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**WHEREAS**, the Borough of Demarest, County of Bergen, State of New Jersey, (hereinafter, "Borough") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

**WHEREAS**, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

**WHEREAS**, among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

**WHEREAS**, pursuant to the Act and to Directive #14-24 issued by the Director on December 13, 2024, a municipality desiring to participate in the Program was obligated to take the following actions by January 31, 2025: (1) adopt a "binding resolution" determining its present and prospective need affordable housing obligations and (2) to file an action in the form of a

declaratory judgment complaint in the County in which the municipality is located within 48 hours after the municipality's adoption of a binding resolution; and

**WHEREAS**, the Borough adopted a resolution on January 27, 2025 committing to a present need obligation of 0 and Round 4 prospective need obligation of 94 and thereafter filing a declaratory judgment action within 48 hours of the adoption of the Resolution; and

**WHEREAS**, the Borough filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("the Program"), along with its binding resolution, on January 29, 2025; and

**WHEREAS**, the Borough received an objection to its Present and Prospective Need numbers from the New Jersey Builders Association on or about February 25, 2025; and

**WHEREAS**, the Borough ultimately secured a determination by Order dated May 5, 2025 that its Present Need obligation is 0 and its Round 4 Prospective Need is 100; and

**WHEREAS**, the Borough previously prepared a Housing Element and Fair Share Plan ("HEFSP") in accordance with the Municipal Land Use Law ("MLUL"), the Amended Fair Housing Act and applicable affordable housing regulations, which was adopted by the Planning Board on June 5, 2025 and filed with the Program on June 6, 2025 (the "Adopted HEFSP"); and

**WHEREAS**, 232 County Development LLC ("232CD") filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's Adopted HEFSP on August 28, 2025; and

**WHEREAS**, Fair Share Housing Center ("FSHC") filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's Adopted HEFSP on September 2, 2025; and

**WHEREAS**, mediation was held pursuant to the requirements of the Amended Fair Housing Act and the Administrative Office of the Courts directive in November and December of 2025 which resulted in a Mediation Agreement dated December 29, 2025 (the "Mediation Agreement"); and

**WHEREAS**, pursuant to the Mediation Agreement, the Borough agreed to rezone the property located at 232 County Road identified as Lot 5 in Block 63 on the Borough of Demarest

Tax Maps to allow for the construction of a seven-unit townhome development, including one affordable unit, as of right; and

**WHEREAS**, pursuant to the Mediation Agreement, the Borough agreed to amend its Downtown Rehabilitation Area to allow first floor residential on Block 49, Lots 39.01, 40.01, 41.01 and 41.02; and

**WHEREAS**, pursuant to the Mediation Agreement, the Borough agreed to provide a Fourth Round Spending Plan in accordance with P.L.2024, c. 2 and the regulations at N.J.A.C. 5:99; and

**WHEREAS**, pursuant to the Mediation Agreement, the Borough agreed to update and adopt its affordable housing ordinance, development fee ordinance, and affirmative marketing plan in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq. and N.J.A.C. 5:99 on or before March 15, 2026 as conditions of compliance certification; and

**WHEREAS**, on February 4, 2026, upon notice duly provided pursuant to N.J.S.A. 10:4-6 et seq. and N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the proposed Amended 2025 Housing Element & Fair Share Plan prepared by Darlene A. Green, P.P., AICP of Colliers Engineering & Design, dated January 19, 2026 (the “Amended HEFSP”); and

**WHEREAS**, upon the conclusion of the public hearing held on the proposed Amended HEFSP on February 4, 2026, the Planning Board adopted the Amended 2025 Housing Plan Element and Fair Share Plan; and

**WHEREAS**, the Governing Body desires to endorse the Amended 2025 HEFSP adopted by the Planning Board on February 4, 2026.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Demarest, County of Bergen, State of New Jersey as follows:

1. The Governing Body does hereby endorse the Amended 2025 HEFSP adopted by the Planning Board on February 4, 2026.

2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Amended 2025 HEFSP adopted by the Planning Board on eCourts for review by the Program.
3. The Mayor and Clerk, together with other appropriate officers and employees of the Borough of Demarest, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

**APPROVED:**



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Brian Bernstein, Mayor

**CERTIFICATION**

I, Julie Falkenstern, Registered Municipal Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 9, 2026.



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Julie Falkenstern, RMC