

RESOLUTION NO. 41-2025

RESOLUTION ADOPTING THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS' CALCULATION OF SEA BRIGHT'S FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

Councilmember Leckstein offered the following resolution and moved its adoption; seconded by Councilmember Catalano:

WHEREAS, the Borough of Sea Bright, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c. 2 (the "**Act**"), which established a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's *Mount Laurel* doctrine and the State of New Jersey's Fair Housing Act; and

WHEREAS, *N.J.S.A. 52:27D-304.1(c)* of the Act provides that prior to the beginning of each new 10-year round of affordable housing obligations beginning with the Fourth Round on July 1, 2025, the State of New Jersey's Department of Community Affairs (the "**DCA**") is tasked with determining municipal present and prospective need in accordance with the formulas established at *N.J.S.A. 52:27D-304.2* and *N.J.S.A. 52:27D-304.3*; and

WHEREAS, *N.J.S.A. 52:27D-304.1(d)* further provides that the DCA is required to prepare and submit a report to the Governor and Legislature on the calculations of such municipal obligations by October 20, 2024; and

WHEREAS, in accordance with the requirements of the Act, on October 18, 2024, the DCA provided a report setting forth its non-binding calculations of municipalities' present and prospective need for affordable housing for the Fourth Round using the formulas set forth at *N.J.S.A. 52:27D-304.2* and *N.J.S.A. 52:27D-304.3* (the "**Report**"); and

WHEREAS, the Report determined the Borough's present need obligation to be 0 units and its prospective need obligation to be 46 units; and

WHEREAS, *N.J.S.A. 52:27D-304.1(f)* provides that the Borough is required to determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established at *N.J.S.A. 52:27D-304.2* and *N.J.S.A. 52:27D-304.3* and adopt a housing element and fair share plan based on this determination (as may be adjusted by the Affordable Housing Dispute Resolution Program (the "**Program**") in accordance with the Act); and

WHEREAS, for the Fourth Round of affordable housing obligations, this determination of present and prospective fair share obligation is required to be made by binding resolution no later than January 31, 2025; and

WHEREAS, the Borough has determined that its present and prospective need obligations of 0 units and 46 units, respectively, as calculated in the Report

are accurate and wishes to adopt these calculations as the determination of its Fourth Round affordable housing obligation; and

WHEREAS, notwithstanding the foregoing, the Act's future is uncertain at this stage due to ongoing litigation, and accordingly, the Borough also desires to reserve its right to review and revise its Fourth Round affordable housing obligation calculations in the event the Act should be overturned.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey as follows:

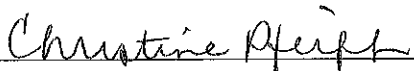
1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough has determined that its present and prospective need obligations of 0 units and 46 units, respectively, as calculated in the Report are accurate and adopts these calculations as the determination of its Fourth Round affordable housing obligation.
3. The Borough reserves its right to review and revise its Fourth Round affordable housing obligation calculations in the event the Act should be overturned.
4. The Borough shall file a declaratory judgment action with the Program no later than 48 hours following adoption of this Resolution, in accordance with the requirements of the Act. A certified copy of this Resolution shall be included with such filing.
5. A copy of this Resolution shall be posted on the Borough's website.
6. This Resolution will take effect immediately.

Roll Call:	Bieber,	Catalano,	Gorman,	Keeler,	Lamia,	Leckstein
	Yes	Yes	Absent	Absent	Yes	Yes

January 21, 2025

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on January 21, 2025.


Christine Pfeiffer, Borough Clerk