

**CITY OF SEA ISLE CITY
NEW JERSEY**

RESOLUTION NO. 013 (2025)

**RESOLUTION OF THE CITY OF SEA ISLE CITY, COUNTY OF CAPE
MAY AND STATE OF NEW JERSEY, ADOPTING THE CITY'S
AFFORDABLE HOUSING PRESENT AND PROSPECTIVE NEED
OBLIGATION FOR THE PERIOD OF JULY 1, 2025 THRU JULY 1, 2035
IN ACCORDANCE WITH P.L. 2024 C.2, AND RESERVING ALL
RIGHTS.**

WHEREAS, the City of Sea Isle City (hereinafter "City") has a demonstrated history of voluntary compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the City filed a Declaratory Judgment Action in Superior Court, Law Division, Cape May County, under Docket No. CPM-L-304-15 ("2015 Action") seeking, among other things, a judicial declaration that the City's Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the City's 2015 Action ultimately culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, entered on December 1, 2017, which entitles the City to immunity and precludes Mount Laurel lawsuits and builder's remedy lawsuits from being filed against the City until after July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law, P.L. 2024, c.2, which among other things, amended various provisions of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA"), abolished the Council on Affordable Housing ("COAH") and established the Affordable Housing Dispute Resolution Program ("Program"); and

WHEREAS, P.L. 2024, c.2, sets forth that Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, pursuant to P.L. 2024, c.2, the City is located in Region 6, which is comprised of Atlantic, Cape May, Cumberland and Salem counties; and

WHEREAS, the amendments to the FHA require the Department of Community Affairs ("DCA") to prepare and publish a report on the calculations of the regional need and each municipality's present and prospective need affordable housing obligations for the Fourth Round within seven months of March 20, 2024; and

WHEREAS, on October 18, 2024 the DCA published its report on the calculations with respect to Statewide regional need and municipal present and prospective need affordable housing obligations for the Fourth Round (the "DCA Report"); and

WHEREAS, pursuant to P.L. 2024, c.2, the DCA has calculated the total statewide prospective need obligation to be 84,698 units, which equates to a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, the DCA Report calculates the City's non-binding Round Four obligations as follows: 1) a Present Need or Rehabilitation obligation of 0; and 2) a Prospective Need or New Construction Obligation of 25; and

WHEREAS, the calculations in the DCA Report are not binding on municipalities; and

WHEREAS, rather, pursuant to N.J.S.A. 52:27D-304.1 of the FHA, each municipality is required to determine its respective Fourth Round present and prospective need fair share obligations, and adopt a binding resolution describing the basis for the municipality's determination on or before January 31, 2025; and

WHEREAS, P.L. 2024, c.2, each municipality shall determine its Fourth Round present and prospective need fair share obligations, with consideration of the calculations in the DCA Report, and in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and -304.3 of the FHA using "necessary datasets that are updated to the greatest extent practicable"; and

WHEREAS, the City and its professionals have reviewed the DCA Report along with the underlying data and data sets relied upon by the DCA in reaching its non-binding calculations for the City against the most up-to-date land use approvals, site specific information, construction permits, and MOD-IV data maintained and on file with the City with regard to the land capacity and equalized non-residential valuation factor; and

WHEREAS, the City accepts the estimate set forth in the DCA Report with respect to Present Need of 0; and

WHEREAS, the City accepts the estimate set forth in the DCA Report with respect to the Prospective Need of 25; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1f(1)(b) provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of P.L. 2024, c.2 ... [;]"; and

WHEREAS, the City's calculation of its Present Need and Prospective Need obligations is/are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of P.L. 2024, c.2; and

WHEREAS, the City, however, specifically reserves the right to adjust its present need and prospective need obligation, including for any of the foregoing adjustments: 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable, and suitable land; and/or 2) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and

WHEREAS, in addition to the foregoing, the City specifically reserves all rights to revoke this Resolution and commitment in the event of: 1) a successful challenge to P.L. 2024, c.2 as a result of the pending litigation entitled: Borough of Montvale et al, v. State of New Jersey, et al.,

Docket No.: MER-L-1778-24; (2) any other such action challenging P.L. 2024, c.2; and/or (3) any subsequent legislative or regulatory enactment which alters or changes the deadlines, calculations, methodology and/or requirements of P.L. 2024, c.2; and

WHEREAS, the City further specifically reserves the right to take a position that its Round Four Prospective Need Obligation is lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in P.L. 2024, c. 2 requires or can require an increase in the City's Round Four Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of P.L. 2024, c.2, is to establish, for example, unchallenged numbers by default as of March 1, 2025; and

WHEREAS, in light of the above, the City Council of the City of Sea Isle City finds that it is in the best interest of the City to declare its obligations in accordance P.L. 2024, c.2 in accordance with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Jersey, in the County of Cape May, and State of New Jersey as follows:

1. All of the WHEREAS Clauses set forth above are hereby incorporated into the operative clauses of this Resolution by reference.

2. The City Council hereby commits to a Round Four Present Need Obligation of 0 and the Round Four Prospective Need Obligation of 25, as described in this Resolution subject to all reservations of rights, which specifically include:

- a) The right to adjust the prospective need obligation based on lack of available vacant and developable land (windshield survey), sewer, and/or water, regional planning inputs, or any combination thereof;
- b) All rights to revoke or amend this Resolution in the event of a successful legal challenge, or legislative or regulatory change to P.L. 2024, c. 2;
- c) All rights to take a position that City's Round Four Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution; and
- d) All rights to take a position that the City's Round Four Present or Prospective Need Obligations are lower than described herein in the event a third-party claims the City's Round Four Present or Prospective Need Obligations require an increase based on a reallocation or modification of the Regional Present or Prospective Need Obligations allegedly due from successful reduction of the allocated present and prospective need obligations assigned to another municipality in the Region.

3. In accordance with N.J.S.A. 52:27D-304.1, the City hereby directs the City Attorney to file an action with the Affordable Housing Dispute Resolution Program along with this Resolution and take all necessary and proper steps to address any challenges to same by any interested parties.

4. The City’s calculation of Present and Prospective Need Obligations is/are entitled to a “presumption of validity” because it complies with Sections 6 and 7 of P.L. 2024, c.2.

5. The City further commits to adopt its housing element and fair share plan pursuant to N.J.S.A. 52:27D-304.1f(2) based on this determination on or before June 30, 2025, and hereby further directs the City Attorney, City Affordable Housing Planner, and City Engineer to begin taking steps to prepare same.

6. The Council hereby directs the City Clerk to file this Resolution with the “Program” within 48 hours of adoption as required by law.

7. A copy of this Resolution shall be uploaded, along with the filing date of the City’s action with the Program, shall be uploaded to the City website.

8. A copy of the Resolution shall remain on file in the City Clerk’s office and available for public inspection.


9. This Resolution shall take effect immediately, according to law.


John C. Gibson, Council Vice- President

Recorded Vote:

Council	Yes	No	Abstain	Absent	Moved	Second
Tighe	✓				✓	
Feeley	✓					
Gibson	✓					
Kehner				✓		
Edwardi	✓					✓

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of the City of Sea Isle City, New Jersey, at the regular meeting of said Council held on Tuesday, January 28, 2025.


Shannon D. Romano, Municipal Clerk