

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

25-61-248

RESOLUTION

**COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT
NEED AND PROSPECTIVE NEED NUMBERS**

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 Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations 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 calculates Ocean City's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 160 and a Prospective Need or New Construction Obligation of 68; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; 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, or biding 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, based on the foregoing, the City of Ocean City (hereinafter, "Ocean City") accepts the DCA calculations of Ocean City's fair share obligations and commits to its fair share of 160 units present need and 68 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, Ocean City reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Ocean City also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) 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, Ocean City reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the City Council of Ocean City finds that it is in the best interest of Ocean City to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and


WHEREAS, Ocean City seeks a certification of compliance with the FHA and, therefore, directs its City Solicitor to file a declaratory relief action within 48 hours of the adoption of this resolution in Cape May County.

CITY OF OCEAN CITY
 CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of January, 2025 by the City Council of the City of Ocean City as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The City of Ocean City hereby commits to the DCA Round 4 Present Need Obligation of 160 units and the Round 4 Prospective Need Obligation of 68 units described in this resolution, subject to all reservations of rights set forth above.
3. The City of Ocean City hereby directs its City Solicitor to file a declaratory judgment complaint in Cape May County within 48 hours after adoption of this resolution, attaching this resolution.
4. The City of Ocean City authorizes its City Solicitor to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.



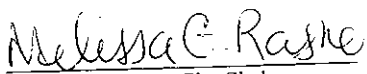
 Peter V. Madden, Council President

CERTIFICATION

I, Melissa Rasner, Clerk of the City of Ocean City, County of Cape May, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by The City Council of the City of Ocean City at a meeting held on January 23, 2025.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of the City of Ocean City, New Jersey at a Council Meeting held on Thursday, January 23, 2025, with the voting record as indicated below.

NAME	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAINED
Barnes		✓	✓			
Crowley			✓			
Hartzell			✓			
Levchuk			✓			
Madden			✓			
Polcini			✓			
Winslow	✓					



 Melissa G. Rasner, City Clerk