

CITY OF WILDWOOD
Cape May County, New Jersey
RESOLUTION

**A BINDING RESOLUTION ACCEPTING THE DCA'S FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED
NUMBERS AND DIRECTING SPECIAL MOUNT LAUREL COUNSEL
TO TAKE APPROPRIATE ADDITIONAL ACTIONS**

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 required 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 the City of Wildwood's Round 4 (2025-2035) obligations as follows: a Present Need or "Rehabilitation Obligation" of 15 and a Prospective Need or "New Construction Obligation" of 48; 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 Wildwood accepts the DCA fair share calculations and commits to its Present Need of 15 and Prospective Need of 48 subject to any vacant land and/or durational adjustments it may seek as a component of the City's Round 4 Housing Element and Fair Share Plan to be adopted, endorsed, and filed in accordance with the Amended FHA; and

WHEREAS, the City of Wildwood reserves the right to take action to comply with any additional amendments to the FHA, judicial rulings, and/or future Administrative Directives; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the City of Wildwood reserves the right to take such position as it deems appropriate in response thereto, including a declaration that its Round 4 Present or Prospective Need obligations are lower than set forth herein; and

WHEREAS, in light of the above, the Board of Commissioners of the City of Wildwood finds that it is in the best interest of the 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, City of Wildwood seeks a certification of compliance with the FHA and, therefore, directs its Special Mount Laurel Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution in the appropriate vicinage.

NOW, THEREFORE, BE IT RESOLVED on this 22nd day of January, 2025 by the Board of Commissioners of the City of Wildwood as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The City of Wildwood hereby commits to the DCA Round 4 Present Need of 15 and the Round 4 Prospective Need of 48 as set forth herein, subject to all reservations of rights set forth above.
3. The City of Wildwood hereby directs its Special Mount Laurel Counsel to file a declaratory judgment complaint in the appropriate vicinage within 48 hours after adoption this resolution.
4. The City of Wildwood directs its Special Mount Laurel Counsel (a) to attach this resolution as an exhibit to the aforementioned declaratory judgment action; (b) to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate; and (c) to take any other actions as necessary and according to law.
5. This resolution shall take effect immediately, according to law.

PREPARED BY: SOLICITOR

Krista McConnell, Commissioner

Yes

Steve Mikulski, Commissioner

Ernest Troiano, Jr., Mayor

Resolution No. 32-1-25

Offered By McConnell

Seconded by Mikulski

I, Lisa A. Brown, City Clerk of the City of Wildwood, do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the Wildwood Board of Commissioners, held this 22nd day of January, 2025, and in witness whereof I have hereunder set my hand and official seal on this date written.

LISA A. BROWN, CITY CLERK