

RESOLUTION 2025-34**RESOLUTION ADOPTING THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS' CALCULATION OF BELMAR'S FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Borough of Belmar, 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 43 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 43 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 Belmar, 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 43 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.

Councilwoman Kinney offered the above resolution and moved its adoption. Seconded by Councilwoman Rondinaro and adopted by the following vote on roll call:

Council Members:	AYES	NAYS	ABSTAIN	ABSENT
Mayor Buccafusco	X			
Councilwoman Rondinaro	X			
Councilwoman Donovan	X			
Councilman Levis	X			
Councilwoman Kinney	X			

I, APRIL CLAUDIO, CLERK OF THE BOROUGH OF BELMAR, Monmouth County, 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 a majority of the full membership of the Governing Body at its meeting of January 28, 2025.


APRIL CLAUDIO, RMC/CMC

MUNICIPAL CLERK