

**RESOLUTION NO. 2025- 80**

**RESOLUTION OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING 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 Lacey's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 52 and a Prospective Need or New Construction Obligation of 172; 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 binding 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 Township of Lacey accepts the DCA calculations of its fair share obligations of 52 units present need and 172 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**, the Township of Lacey reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, the Township of Lacey 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



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**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Lacey 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 Township Committee of the Township of Lacey finds that it is in the best interest of Lacey to declare its commitment to the obligations reported by the DCA 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

**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**, Lacey seeks a certification of compliance with the FHA and, therefore, directs the Affordable Housing Attorney to file a declaratory relief action or an action with the Program within 48 hours of the adoption of this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township of Lacey hereby accepts the DCA Round 4 Present Need Obligation of 52 units and the Round 4 Prospective Need Obligation of 172 units described in this resolution, subject to all reservations of rights set forth above including the right to seek a vacant land and/or durational adjustment as part of the Housing Element and Fair Share Plan.
3. The Township of Lacey hereby authorizes its Affordable Housing Attorney to file a declaratory judgment complaint in Ocean County within 48 hours after adoption this resolution, and/or to file this resolution with the Program or any other such entity as may be determined to be appropriate.

**r|m|s|h|c**  
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**CERTIFICATION**

I, **AMY SHELTON**, do hereby certify that I, the undersigned, am the Township Clerk of the Township of Lacey and am duly authorized to certify resolutions adopted by the Township Committee held at a regular meeting on the **23RD** day of **JANUARY, 2025**.

  
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**AMY SHELTON**  
Municipal Clerk

**r|m|s|h|c**

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