

EXHIBIT 1

BOROUGH OF PINE BEACH

RESOLUTION 2025-21

**ESTABLISHING BOROUGH OF PINE BEACH'S FOURTH
ROUND AFFORDABLE HOUSING REQUIREMENT**

WHEREAS, on March 20, 2024, Governor Murphy signed *P.L.2024, c.2.* into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the State's Fair Housing Act; and

WHEREAS, the law requires that the New Jersey Department of Community Affairs ("DCA") perform a calculation of regional need, and municipal present and prospective affordable housing needs, in accordance with the formulas established in the law; and

WHEREAS, on October 18, 2024, the DCA released its "Affordable Housing Obligations For 2025-2035 (Fourth Round)" report ("DCA Report"), establishing the Fourth Round (2025-2035) fair share methodology and calculations of low- and moderate-income housing obligations for New Jersey's 564 municipalities; and

WHEREAS, the final calculation and obligations for each municipality are presented in an Appendix at the end of the report; and

WHEREAS, per *P.L. 2024, c.2*, in order for Pine Beach to maintain immunity from exclusionary zoning litigation, it must determine its municipal present and prospective obligations in accordance with the formulas established in sections 6 and 7 of the law by binding resolution no later than January 31, 2025; and

WHEREAS, *P.L. 2024, c.2* permits Pine Beach to diverge from the DCA's calculations in determining its obligations, in case local factors exist that make the calculations unreasonable, so long as Pine Beach adheres to the methodology set forth in *P.L. 2024, c.2*; and

WHEREAS, Pine Beach may take into consideration the calculations in the DCA Report to determine its obligations; and

WHEREAS, the present and prospective fair share obligations of the Pine Beach were identified in the DCA Report as follows:

- Present Need: 0 units
- Prospective Need: 30 units

WHEREAS, based on a review of the DCA Report and findings made by the Borough Affordable Housing Planner, it is recommended that the Borough Council adopt a binding resolution accepting the Present Need obligation of 0; and

WHEREAS, the Borough’s Planner possesses actual knowledge of present conditions in Pine Beach which were not known to the DCA officials that evaluated Pine Beach through raw data sets and aerial photographs; and

WHEREAS, such present day conditions, history and knowledge could not be known to DCA officials that were evaluating every municipality in the State of New Jersey; and

WHEREAS, the Borough professionals evaluated DCA's vacant land analysis and identified land in Pine Beach that should not be included as vacant and developable; and

WHEREAS, the Planner tabulated these areas and confirmed that the vacant land in Pine Beach is reduced from 2.638 acres to 2.41 acres; and

WHEREAS, the Planner has determined that the Land Capacity Allocation Factor must be adjusted from 2.638 developable acres to 2.41 developable acres, by removing the following land which was improperly included as developable land in the DCA’s calculation:

- (1) Preserved land owned by Pine Beach and Homeowners’ Associations such as:
 - a. Open space/parkland properties with deed restrictions and/or on Recreation and Open Space Inventory (ROSI);
 - b. Properties with easements restricting development;
- (2) Lands containing utility infrastructure
- (3) Lands that have been developed, that are fully approved for development, or that are identified as inclusionary sites in the Third Round Settlement Agreement and Housing Element and Fair Share Plan; and
- (4) Areas identified as undevelopable by size, use, orientation, or some combination thereof.

WHEREAS, upon updating and correcting the Land Capacity Allocation Factor from 2.638 acres to 2.41 acres, the Borough’s Prospective Need is 3 units, based on the approved Fourth Round Methodology; and

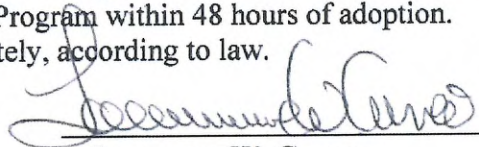
WHEREAS, *P.L.2024, c.2* provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of the Act; and

WHEREAS, Borough’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Act; and

WHEREAS, within 48 hours of adoption of this resolution, the Municipal Clerk of Pine Beach shall file this resolution on its official website and with the Affordable Housing Dispute Resolution Program.

NOW, THEREFORE, BE IT RESOLVED on this 15th day of January, 2025, by the Borough Council of the Borough of Pine Beach, in the County of Ocean, and the State of New Jersey that, pursuant to *P.L. 2024, c.2*:

1. All of the Whereas Clauses set forth above are incorporated into the operative clauses of this resolution.
2. The Borough Council of the Borough of Pine Beach hereby accepts a Present Need obligation of 0 and a Prospective Need obligation of 3 as its Fourth Round (2025-2035) affordable housing obligation pursuant to *P.L. 2024 c.2* and the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. These findings are to be documented in the Borough's housing element and fair share plan.
3. The Borough Council hereby directs its Affordable Housing Counsel to file a declaratory judgment attaching this resolution in Ocean County within 48 hours after adopting this resolution.
4. The Borough reserves its right to adjust its Fourth Round Affordable Housing obligation subject to any vacant land adjustments and other amendments as may be provided for by law.
5. This resolution shall be posted on the Borough's official website and with the Affordable Housing Dispute Resolution Program within 48 hours of adoption.
6. This resolution shall take effect immediately, according to law.

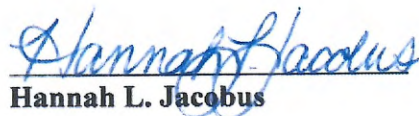


Lawrence W. Cuneo

Mayor

CERTIFICATION

I, **Hannah L. Jacobus**, the Municipal Clerk of the Borough of Pine Beach hereby certify that a meeting of the Governing Body held on **January 15th, 2025** the above resolution was duly adopted.



Hannah L. Jacobus

Municipal Clerk