

RESOLUTION NO. 2025-41

RESOLUTION OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH P.L. 2024, c2

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter "A4"); and

WHEREAS, A4 calculates the size of the regional affordable housing need as follows "projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate- income housing obligations..."; and

WHEREAS, the DCA Report calculates the Borough's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of DCA Number 2 and a Prospective Need or New Construction Obligation of DCA Number 39; and

WHEREAS, A4 further provides that, irrespective of the DCA's calculation, municipalities are to determine "present and prospective fair share obligation(s) ... by binding resolution no later than January 31, 2025"; and

WHEREAS, this resolution satisfied the requirements of A4 by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke this resolution and commitment in the event of a successful challenging to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Round 4 Present and Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in A4 requires or can require an increase in the Borough's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of A4 is to establish, for example, unchallenged numbers by default on March 1, 2024=5; and

WHEREAS, in light of the above, the Mayor and Council finds that it is the best interest of the Borough to declare its obligations in accordance with this resolutions; and

NOW, THEREFORE, BE IT RESOLVED, this 29 day of January 2025, by the Governing Body of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution.
2. The Mayor and Council hereby commit to the DCA Round 4 Present Need Obligation of DCA Number 2 and the Round 4 Prospective Need Obligation 39 described in this Resolution subject to all reservations of rights, which specifically include:

DASTI, McGUCKIE
McNICHOLS, COENORS
ANTHONY & BUCKLEY
COUNSELLORS AT LAW
620 WEST LACEY ROAD
FORKED RIVER, N.J. 06731

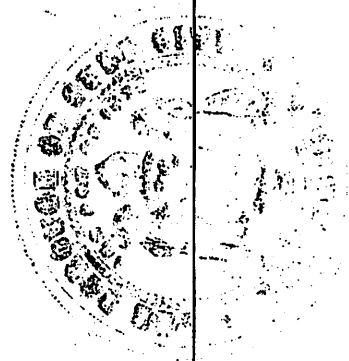
- a. The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
 - b. All rights to revoke this resolution in the event of a successful legal challenge, or legislative change, to A4;
 - c. All rights to take any contrary position in the event of a third party challenge to the obligations.
3. The Borough hereby directs its Affordable Housing Counsel to (a) file this Resolution with the "Program" pursuant to the requirements on A4.
 4. This resolution shall take effect immediately, according to law.

CERTIFICATION

I, Christine Hannemann, Municipal Clerk of the Borough of Surf City, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on January 29, 2025.


CHRISTINE HANNEMANN, RMC/CMC
Borough Clerk, Borough of Surf City

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