

CITY OF BRIGANTINE

RESOLUTION NO. 2025-34

**RESOLUTION ACCEPTING THE DEPARTMENT OF COMMUNITY AFFAIRS
ESTIMATES FOR THE FOURTH ROUND OF AFFORDABLE HOUSING
OBLIGATIONS FOR 2025-2035 FOR THE CITY OF BRIGANTINE**

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act (“Amended FHA”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine; and

WHEREAS, the Amended FHA 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 providing estimates of the 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 the City of Brigantine 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, the City of Brigantine may take into consideration the calculations in the DCA report to determine its obligations; and

WHEREAS, the DCA report estimated the present and prospective fair share obligations of the City of Brigantine to be as follows:

- Present Need: 13 units
- Prospective Need: 19 units

WHEREAS, the City of Brigantine accepts the present need number and Round 4 prospective need number in the DCA Report; and

WHEREAS, the City of Brigantine's Fourth Round Affordable Housing Fair Share obligation is subject to vacant land adjustments and other amendments as may be provided for by law and the City hereby reserves its right to adjust its Fourth Round Affordable Housing Fair Share obligation accordingly; and

WHEREAS, within 48 hours of adoption of this resolution, the Clerk of the City of Brigantine shall file this resolution on its official website and with the Affordable Housing Dispute Resolution Program; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Courts issued Directive #14-24, dated December 13, 2024; and

WHEREAS, pursuant to the Directive #14-24, a municipality seeking a certification in 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 the adoption of the

municipal resolution of the fair share obligations, or by February 3, 2025, whichever is sooner;
and

WHEREAS, the City of Brigantine seeks a certification of compliance with the FHA
and, therefore, directs its affordable housing Counsel to file a declaratory relief action within 48
hours of the adoption of this resolution in Atlantic County.

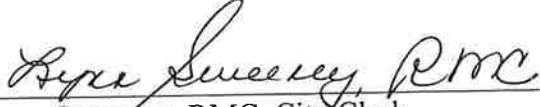
NOW, THEREFORE, BE IT RESOLVED on this day of January 15, 2025, by the
Council of the City of Brigantine in the County of Atlantic, and the State of New Jersey that,
pursuant to *P.L.2024, c.2*:

1. All of the Whereas Clauses set forth above are incorporated into the operative clauses
of this resolution.
2. The Council of the City of Brigantine hereby formally accepts a Present Need
obligation of 13 units and a Prospective Need obligation of 19 units for the Fourth
Round of municipal affordable housing compliance for the City of Brigantine. These
findings are to be documented in the City of Brigantine's housing element and fair
share plan.
3. The City Council of the City of Brigantine hereby directs its Affordable Housing
Counsel to file a declaratory judgment attaching this resolution in Atlantic County
within 48 hours after adopting this resolution.
4. The City of Brigantine 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 City'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.

CERTIFICATION

I, Lynn Sweeney, City Clerk of the City of Brigantine, do hereby certify that the above Resolution was considered and adopted by the City Council of the City of Brigantine at a regularly advertised meeting held on January 15, 2025.


Lynn Sweeney, RMC, City Clerk

[SEAL]

4914-4462-5679, v. 1

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN ✕	✓			
KANE	✓			
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO ✕	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT