

**RESOLUTION NO. 2025-**

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BRIGANTINE, IN  
THE COUNTY OF ATLANTIC, APPROVING AND ADOPTING A HOUSING  
ELEMENT AND FAIR SHARE PLAN TO SATISFY THE CITY'S FOURTH ROUND  
AFFORDABLE HOUSING OBLIGATION**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

**WHEREAS**, the City adopted a "binding resolution", as required by the Amended FHA, accepting the DCA-calculated Present Need and Prospective Need, on January 15, 2025, establishing its Fourth Round Present Need of thirteen (13) units and Prospective Need of nineteen (19) units; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the City filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("Program"), along with its binding resolution, on January 16, 2025; and

**WHEREAS**, the filing of the DJ Complaint gave the City automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the City did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the City's Fourth Round obligations on March 1, 2025; and

**WHEREAS**, on March 27, 2025, the court prepared an order fixing the City's obligation and authorized the City to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round ("Court Order"); and

**WHEREAS**, in accordance with the Amended FHA, Directive 14-24 and the Court Order, Tiffany A. Morrissey, the Township's Affordable Housing Planner ("Planner") drafted a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP"); and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-28, the City of Brigantine Planning Board ("Board") may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

**WHEREAS**, upon notice in accordance with N.J.S.A. 40:55D-13, the Board held a public hearing on June 30, 2025 on the adoption of the Fourth Round HEFSP as required by the Municipal Land Use Law. Said hearing was attended by the Planner, who was duly sworn, and provided testimony regarding the Fourth Round HEFSP; and

**WHEREAS**, the hearing was opened to the public, and whereas no members of the public attended the hearing; and

**WHEREAS**, the Board determined that the Fourth Round HEFSP is consistent with the goals and objectives of the City's current Master Plan, and that adoption and implementation of the Fourth Round HEFSP is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Brigantine, County of Atlantic, State of New Jersey, that the Planning Board hereby adopts the Fourth Round HEFSP, attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED** that the Planning Board of the City of Brigantine adopts this resolution to memorialize the action taken by the Board following the close of the public hearing on June 30, 2025.

**BE IT FURTHER RESOLVED** that the Secretary is hereby authorized and directed to transmit a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the governing body together with this Board's request that the governing body endorse the adopted Fourth Round HEFSP.

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ROLL CALL VOTE ON MOTION TO ADOPT THE HOUSING ELEMENT AND FAIR SHARE PLAN AFTER FINDING THAT IT IS CONSISTENT WITH THE MASTER PLAN.

(June 30, 2025)

Moved By: Gene Nace

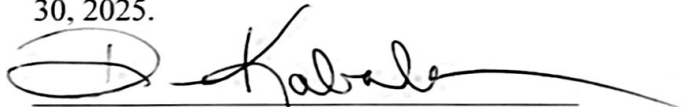
Seconded By: Chaser Gaffney

Those in Favor: Sera, Lettieri, Nace, Gaffney, Chambers, Isenberg

Those Opposed: None

Those Absent or Recused: Driscoll, Ferreira, Herndon, Fanzo, Amalfitano, Brindisi

I hereby certify this to be a true and accurate copy of the resolution adopted by the Planning Board of the City of Brigantine, Atlantic County, New Jersey at a public meeting held on June 30, 2025.



Dana Kabala, Secretary  
Brigantine City Planning Board  
4935-4292-4357, v. 1