

# City of Somers Point

## Resolution

### No. 161 of 2025

**Subject:** Resolution of the Council of the City of Somers Point Endorsing the Housing Element and Fair Share Plan Adopted by the Somers Point Planning Board

**Introduced By:** Council President Haberkorn and Council Members McGuigan and DePamphilis

**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 "FHA II"); and

**WHEREAS**, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan ("HEFSP"); and

**WHEREAS**, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025 and filing that plan within 48 hours with the Affordable Housing Dispute Resolution Program (the "Program"); and

**WHEREAS**, in accordance with this statutory procedure, the City adopted a binding resolution on January 23, 2025 committing to a Fourth Round Present Need of 27 and Round 4 Prospective Need obligation of 31, subject to applicable adjustments;

**WHEREAS**, in accordance with this statutory procedure, the City filed a declaratory relief action within 48 hours from adoption of the binding resolution; 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's affordable housing planning consultant, Timothy Kernan, PP, AICP, of Maser Consulting has prepared an HEFSP to address the City's affordable housing obligations under FHA II; and

**WHEREAS**, the Somers Point City Planning Board adopted an HEFSP prepared by Mr. Kernan on June 26, 2025 which is attached hereto as Exhibit A; and

**WHEREAS**, in accordance with the procedure established by FHA II, the City's affordable housing counsel filed the duly adopted HEFSP with the Program created by FHA II within 48 hours from adoption; and

**WHEREAS**, the City Council now wishes to endorse the Housing Element and Fair Share Plan adopted by the Somers Point Planning Board and seek approval of the HEFSP by the Program and Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

1. The City Council hereby endorses the Fourth Round HEFSP previously adopted by the Somers Point Planning Board and attached hereto.
2. The City Council hereby directs the City's Affordable Housing Counsel to (a) file this resolution with the Program, along with any additional documents the professionals deem necessary or desirable; and (b) seek a Compliance Certification from the Program or Vicinage area judge as may be appropriate formally approving the Plan.
3. The City reserves the right to further amend the HEFSP attached hereto, should that be necessary.

	MOTIONS	YES	NO	ABSTAIN	ABSENT	RECUSE
DePamphilis		X				
Dill	1	X				
Gerety	2	X				
Johnston		X				
McGuigan		X				
Owen		X				
Haberkorn		X				
Consent Agenda						

I, Shelby Heath, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 26<sup>th</sup> day of June 2025. In witness whereof, I have hereunto set my hand and seal of the Office on the 26<sup>th</sup> day of June 2025.

*Shelby Heath*

Shelby Heath, RMC, City Clerk