

**BOROUGH OF WOODBINE  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION NO. 01-39-2025**

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND  
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED  
NUMBERS**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

**WHEREAS**, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates Woodbine's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 27 and a Prospective Need or New Construction Obligation of 27; and

**WHEREAS**, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

**WHEREAS**, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions" (N.J.S.A. 52:27D-311(m)); and

**WHEREAS**, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

**WHEREAS**, based on the foregoing, the Borough of Woodbine accepts the DCA calculations of the Borough's fair share obligations and commits to its fair share of 27 units present need and 27 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Borough of Woodbine reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, the Borough of Woodbine also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, the Borough of Woodbine also reserves the right to adjust its position in the event it is designated as an Urban Aid Municipality by the New Jersey Department of Community Affairs; and

**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Woodbine reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

**WHEREAS**, in light of the above, the Council of the Borough of Woodbine finds that it is in the best interest of the Borough to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of 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 adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

**WHEREAS**, the Borough of Woodbine seeks a certification of compliance with the FHA and, therefore, directs the Borough Solicitor 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 16<sup>th</sup> day of January, 2025 by the Council of the Borough of Woodbine as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Borough of Woodbine hereby commits to the DCA Round 4 Present Need Obligation of 27 units and the Round 4 Prospective Need Obligation of 27 units described in this resolution, subject to all reservations of rights set forth above.

3. The Borough of Woodbine hereby directs the Borough Solicitor to file a declaratory judgment complaint in Atlantic County within 48 hours after adoption this resolution, attaching this resolution.
4. The Borough of Woodbine authorizes the Borough Solicitor to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.

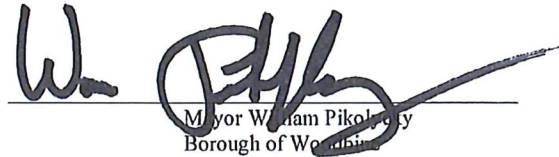
**RESOLUTION No. 01-39-2025  
ADOPTED AND APPROVED**

Attestation

Adopted and Approved



Laurie E. Boyd  
Acting Borough Clerk



Mayor William Pikolycky  
Borough of Woodbine

Motion for:	<b>Adoption of Resolution 01-39-2025 RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS (via consent agenda)</b>					
Vote Taken By:	<input checked="" type="checkbox"/> Roll Call		<input type="checkbox"/> Voice		<input type="checkbox"/> Other:	
Roll Call	Motion	Second	Yes	No	Abstain	Absent
Council President Ortiz	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilman Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Perez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilwoman Prettyman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilman Cruz	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pikolycky [ <input checked="" type="checkbox"/> Tie Vote Not Required]			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision:	APPROVED			5 - 0 - 0 -- 1		

I, Laurie E. Boyd, Acting Borough Clerk of the Borough of Woodbine, situate in the County of Cape May, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Borough Council of the Borough of Woodbine, situate in the County of Cape May, State of New Jersey.



Laurie E. Boyd  
Acting Borough Clerk

[Municipal Seal]