

**AGENDA
SPECIAL TOWNSHIP COUNCIL MEETING
TOWNSHIP OF OCEAN**

JANUARY 27, 2025

OAKHURST, NEW JERSEY

Call Meeting to Order: 5:00 pm

Roll Call: Mayor Napolitani
Deputy Mayor Fisher
Councilmember(s) Acerra and Kaplan

Others: David G. Brown, II, Township Manager
Kevin N. Starkey, Esq., Township Attorney
Jessie M. Joseph, Township Clerk

PLEDGE OF ALLEGIANCE AND SILENT PRAYER

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT:

The notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Special Meeting Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the office of the Municipal Clerk on January 21, 2025.

FIRE EXIT PROCEDURES:

There are two emergency exits on the wall to my right that will take you to the front of the building and another one to my left that will take you to the rear parking lot.

NOTICE:

All cell telephones must be turned off. If you need to make a call, please make your call outside the meeting room.

MAYOR'S STATEMENT: Public Portion of any Questions as to Resolutions

All matters listed under 'Consent Agenda' are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired on any item, that item will be considered separately.

The purpose of this public portion is solely to ask questions to understand the Resolution that appears on this agenda. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

PUBLIC QUESTIONS:

CONSENT AGENDA:

25-023 Resolution of the Township of Ocean, Monmouth County, Committing to the Township's Fourth Round Affordable Housing Obligation as Calculated by DCA

PUBLIC COMMENTS:

ADJOURNMENT:

**AGENDA
SPECIAL EXECUTIVE SESSION MEETING
TOWNSHIP OF OCEAN**

JANUARY 27, 2025

OAKHURST, NEW JERSEY

Call Meeting to Order: 5:15 pm

Roll Call: Mayor Napolitani
Deputy Mayor Fisher
Councilmember(s) Acerra & Kaplan

Statement of Compliance with the Open Public Meetings Act:

The Notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Meeting Notice was sent to The Coaster and Asbury Park Press on January 21, 2025 and posted in Town Hall.

**RESOLUTION
DECLARING CLOSED SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - C1. Personnel – Township Council Vacancy Interviews
3. It is anticipated at this time that the Municipal Clerk shall review the Minutes of Closed Session of the Township of Ocean and make a recommendation to the Governing Body which Minutes should be considered for public record. The Minutes which are made public shall not thereafter be treated as confidential but may be seen and copies by any person(s) in the same manner as any meeting Minutes of the Township of Ocean.
4. This resolution shall take effect immediately.

RESOLUTION OF THE TOWNSHIP OF OCEAN, MONMOUTH COUNTY, COMMITTING TO THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION AS CALCULATED BY DCA

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed P.L. 2024, c.2 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 abolished the Council on Affordable Housing, also known as COAH, and delegated its responsibilities to the New Jersey Department of Community Affairs (hereinafter "DCA"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (hereinafter "DRP"), created by the same law; and

WHEREAS, the Amended FHA requires the DCA to calculate 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 the Township of Ocean, Monmouth County, Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 51 and a Prospective Need or New Construction Obligation of 166; 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 binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments, durational adjustments and other adjustments; and

WHEREAS, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey; and

WHEREAS, based on the foregoing, the Township of Ocean accepts the DCA calculations of the Township's fair share obligations and commits to its fair share of 51 units present need and 166 units prospective need subject to any vacant land, windshield survey and/or any other additional authorized 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 Township of Ocean reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Township of Ocean 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 litigation or legislative action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township of Ocean 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 addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Township'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 the Amended FHA is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Governing Body of the Township of Ocean finds that it is in the best interest of the Township 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 of the Administrative Office of the Court 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 Township of Ocean 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.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025 by the Mayor and Council of the Township of Ocean, Monmouth County, New Jersey as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. For the reasons set forth in this resolution, the Township of Ocean hereby commits to the DCA Round 4 Present Need Obligation of 51 units and the Round 4 Prospective Need Obligation of 166 units described in this resolution, subject to all reservations of rights which specifically include:

- 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 or amend this resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA;
- c) All rights to take any contrary position in the event of a third party challenge to the obligations.

3. The Township of Ocean hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Monmouth County within 48 hours after adoption of this resolution, attaching this resolution.

4. The Township of Ocean authorizes its Affordable Housing Counsel 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. The Township of Ocean hereby directs its Township Clerk to post this resolution on the Township website within 48 hours after adoption of this resolution, attaching this resolution.

6. The Township of Ocean shall undertake all acts necessary to adopt a housing element and fair share plan to address its present and prospective need obligations as provided for by the Amended FHA, for filing by June 30, 2025 as part of the declaratory judgment action authorized herein.

7. This resolution shall take effect immediately, according to law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Mayor Napolitani	Vacant
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **January 27, 2025.***

Jessie M. Joseph, RMC/CMC
Township Clerk