

OFFERED BY: REICH				SECONDED BY: FRIEDMAN					
	AYE	NAY	ABSENT	ABSTAIN		AYE	NAY	ABSENT	ABSTAIN
DI BENEDETTO	X				REICH	X			
FRIEDMAN	X				ROGERS	X			
JORDAN	X				SHUTZER	X			

I, TRACI L. DIBENEDETTO, CLERK OF THE BOROUGH OF FREEHOLD, DO HEREBY CERTIFY THE FOLLOWING RESOLUTION WAS ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AT A MEETING HELD ON JANUARY 21, 2025.

  
 TRACI L. DI BENEDETTO, RMC  
 BOROUGH CLERK

Resolution No. 39-25  
Agenda #2/2025

**RESOLUTION ADOPTING THE NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS'  
CALCULATION OF THE BOROUGH OF FREEHOLD'S  
FOURTH ROUND PRESENT AND PROSPECTIVE NEED  
AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Borough of Freehold, County of Monmouth (the "Borough") is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c. 2 (the "Act"), which established a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's *Mount Laurel* doctrine and the State of New Jersey's Fair Housing Act; and

**WHEREAS**, *N.J.S.A. 52:27D-304.1(c)* of the Act provides that prior to the beginning of each new 10-year round of affordable housing obligations beginning with the Fourth Round on July 1, 2025, the State of New Jersey's Department of Community Affairs (the "DCA") is tasked with determining municipal present and prospective need in accordance with the formulas established at *N.J.S.A. 52:27D-304.2* and *N.J.S.A. 52:27D-304.3*; and

**WHEREAS**, *N.J.S.A. 52:27D-304.1(d)* further provides that the DCA is required to prepare and submit a report to the Governor and Legislature on the calculations of such municipal obligations by October 20, 2024; and

**WHEREAS**, in accordance with the requirements of the Act, on October 18, 2024, the DCA provided a report setting forth its non-binding calculations of municipalities' present and prospective need for affordable housing for the Fourth Round using the formulas set forth at *N.J.S.A. 52:27D-304.2* and *N.J.S.A. 52:27D-304.3* (the "Report"); and

**WHEREAS**, the Report determined the Borough's present need obligation to be 270 units and its prospective need obligation to be 49 units; and

**WHEREAS**, *N.J.S.A. 52:27D-304.1(f)* provides that the Borough is required to determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established at *N.J.S.A. 52:27D-304.2* and *N.J.S.A. 52:27D-304.3* and adopt a housing element and fair share plan based on this determination (as may be adjusted by the Affordable Housing Dispute Resolution Program (the “Program”) in accordance with the Act); and

**WHEREAS**, for the Fourth Round of affordable housing obligations, this determination of present and prospective fair share obligation is required to be made by binding resolution no later than January 31, 2025; and

**WHEREAS**, the Borough accepts the DCA present and prospective need obligations of 270 units and 49 units, respectively, for the Borough as calculated in the Report and wishes to adopt these calculations as the determination of the Borough’s Fourth Round affordable housing obligation, subject to any vacant land and/or durational adjustment it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Act; and

**WHEREAS**, notwithstanding the foregoing, the Act’s future is uncertain at this stage due to ongoing litigation, and accordingly, the Borough also reserves its right to review and revise its Fourth Round affordable housing obligation calculations in the event the Act should be amended or overturned; 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 Act 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 seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory judgment action with the Program within 48 hours of the adoption of this Resolution in Monmouth County.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Council of the Borough of Freehold, County of Monmouth, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough accepts and adopts the DCA present and prospective need obligations of 270 units and 49 units, respectively for the Borough as calculated in the Report and adopts these calculations as the determination of its Fourth Round affordable housing obligation, subject to any vacant land and/or durational adjustment it may

seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Act.

3. The Borough reserves its right to review and revise its Fourth Round affordable housing obligation calculations in the event the Act should be overturned or amended.
4. The Borough's Affordable Housing Counsel shall file a declaratory judgment action with the Program no later than 48 hours following adoption of this Resolution, in accordance with the requirements of the Act. A certified copy of this Resolution shall be included with such filing.
5. A copy of this Resolution shall be posted on Borough's website.
6. This Resolution will take effect immediately.