

**CITY OF SEA ISLE CITY  
NEW JERSEY**

**RESOLUTION 121 (2015)**

**RESOLUTION OF THE CITY OF SEA ISLE CITY, COUNTY OF CAPE MAY AND STATE  
OF NEW JERSEY AUTHORIZING THE CITY ATTORNEY TO FILE A DECLARATORY  
JUDGMENT ACTION WITH THE SUPERIOR COURT SEEKING JUDICIAL APPROVAL  
OF THE CITY'S COMPLIANCE WITH ITS THIRD ROUND AFFORDABLE HOUSING  
OBLIGATION IN ACCORDANCE WITH THE NEW JERSEY SUPREME COURT DECISION  
IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY NJ COUNCIL ON  
AFFORDABLE HOUSING**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that enforcement of the Fair Housing Act ("FHA") and the Mount Laurel Doctrine be returned from the NJ Council on Affordable Housing ("COAH") to the New Jersey Superior Courts, due to COAH's failure to adopt Third Round Rules on municipal affordable housing obligations; and

**WHEREAS**, the NJ Supreme Court ordered in that decision that municipalities which had either received Third Round Substantive Certification or been declared to have "Participating" status by COAH are permitted to file a declaratory judgment action with its County's Superior Court; and

**WHEREAS**, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality's affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, such that the City may receive from the courts substantive certification and accompanying protection as afforded under the FHA; and

**WHEREAS**, the Supreme Court ruled that a municipalities' Third Round fair share obligation and housing plan must be evaluated under the prior round methodology; and

**WHEREAS**, the City of Sea Isle City believes it was declared to have "participating status"; and

**WHEREAS**, the Mayor and Council deem it to be in the best interest of the City and its residents to authorize the City Attorney to file a declaratory judgment action seeking judicial approval of the City's compliance with its Third Round affordable housing obligation.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Sea Isle City, in the County of Cape May, and State of New Jersey, that the City Attorney is hereby authorized to file a declaratory judgment action with the Cape May County Superior Court to seek judicial approval of the City's compliance with its Third Round affordable housing obligation and any other actions deemed necessary in accordance therewith.

**BE IT FURTHER RESOLVED** that the Mayor and Administration are hereby authorized to execute any and all documents necessary to implement and effectuate this Resolution.

This Resolution will take effect immediately upon its passage.

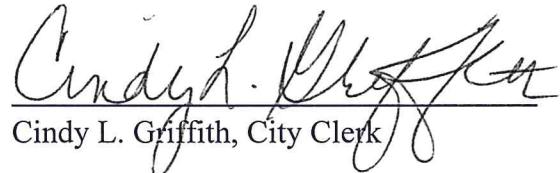


John J. DiSesa  
Council President

Recorded Vote:

Council	Yes	No	Abstain	Absent	Moved	Second
Divney	X					
Tighe	X				X	
Gibson	X					
Kehner	X					X
Edwardi	X					

**I HEREBY CERTIFY THAT** the foregoing resolution was duly adopted by the City Council of the City of Sea Isle City, New Jersey, at the regular meeting of said Council held on Wednesday, July 1, 2015.



Cindy L. Griffith, City Clerk