FILED
April 15, 2026
Hon. Linda Grasso Jones, J.S.C.

PREPARED BY THE COURT:

IN THE MATTER OF THE DECLARATORY JUDGMENT ACTION OF THE BOROUGH OF ALLENHURST, MONMOUTH COUNTY PURSUANT TO P.L. 2024, CHAPTER 2 (N.J.S.A. 52:27D-304.1, et seq.), Petitioner.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – CIVIL PART MONMOUTH COUNTY DOCKET NO. MON-L-178-25 Civil Action *Mt. Laurel Program* **CERTIFICATION OF COMPLIANCE AND REPOSE FOR THE FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the court on referral from the Affordable Housing Dispute Resolution Program ("the Program"), pursuant to the complaint for declaratory judgment filed on January 15, 2025 ("DJ Complaint") by the petitioner, **BOROUGH OF ALLENHURST** ("Municipality"), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the "FHA"), and in accordance with Section II.A of Administrative Directive #14-24 ("Directive #14-24" or "the Directive") of the Program, seeking a certification of compliance with the FHA;

AND THE COURT, having entered an order on April 1, 2025 establishing the Municipality's present need as 4 units and its prospective need as 25 affordable units, and the Municipality having filed with the court on June 12, 2025 a Housing Element and Fair Share Plan

("HEFSP") to accommodate these units, and Fair Share Housing Center ("FSHC") having filed a challenge to the Municipality's HEFSP requesting additional information from the Municipality on the HEFSP, and the Municipality and FSHC having addressed between themselves the outstanding issues raised in FSHC's challenge;

AND THE COURT, having entered on January 21, 2026 a consent order between FSHC and the Municipality providing for resolution of any outstanding issues between the parties, and the court having determined in that order that the proposed HEFSP met the Municipality's Round IV Mount Laurel obligations;

AND THE MUNICIPALITY, having adopted prior to March 16, 2026 the ordinance(s) and resolution(s) necessary to implement the Municipality's Round IV affordable housing plan, and the Municipality having filed those ordinance(s) and resolution(s) with the court;

AND IT APPEARING, that the Municipality, upon having given due notice to all interested parties as provided for by the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12, et seq. and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., as required, having adopted implementing ordinance(s) and resolution(s) to provide for its approved Fourth Round Housing Element and Fair Share Plan ("HEFSP") by or before March 16, 2026, and having filed those ordinance(s) and resolution(s) with the court;

AND THE COURT, having previously and here again determined that the Municipality's Fourth Round HEFSP is fair and reasonable to the region's low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), *aff'd o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and, therefore, approved by the court;

AND THE COURT, having been satisfied and further determined that the Municipality has timely adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round HEFSP, incorporating therein any changes from the Program and this court's prior order(s), and for the satisfaction of its Fourth Round Affordable Obligation, as provided for and in accordance with N.J.S.A. 52:27D-304.1f (2)(c) of the FHA and Section III.A of Directive #14-24 (as amended), and which plan contained the elements set forth in the "Addendum" attached to Directive #14-24 (as amended), with the exception of one item that needs to be addressed, which is set forth below, and having thereby qualified for immunity, and for good cause having otherwise been shown:

IT IS on this 15th day of April, 2026, **ADJUDGED AND ORDERED**, as follows:

1. The approved Fourth Round HEFSP and applicable implementing ordinances and resolutions have been provided to all parties with the opportunity to review same and are accepted by the court.

2. The Municipality has provided adequate notice of its proposed and adopted Implementing Ordinances & Resolutions for implementation of its approved Fourth Round HEFSP to the public and all interested parties and in accordance with the court's prior order.

3. The Municipality's approved Fourth Round HEFSP and constituent compliance mechanisms contained therein, and the implementing ordinances and resolutions, are hereby determined to be fair and reasonable to the interests of the region's low- and moderate-income households and to represent a realistic opportunity for the provision of affordable housing in accordance with the Mt. Laurel doctrine, and specifically in accordance with the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div.

1984), aff'd o.b. 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

4. The Municipality and those parties implicated or otherwise involved and referenced therein are directed and ordered to proceed to implement the approved Fourth Round HEFSP and approved compliance mechanisms contained therein and in accordance with its terms and the implementing ordinances and resolutions.

5. The Municipality must provide the following document(s) via filing in ecourts within 60 days of the date of this order, which amendment(s) have been agreed to by the Municipality:

a. The Municipality's Affirmative Marketing Plan must be amended to add a section or require a list of physical characteristics of units.

6. The Municipality's immunity from builder's remedy and/or exclusionary zoning litigation, be, and is hereby continued and shall remain in full force and effect for the Fourth Round period of **July 1, 2025 to June 30, 2035**, subject, however, to revocation or other order of the court that does or may hereafter issue, on notice of motion to the Municipality and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle. The Municipality shall cooperate with all monitoring requirements and other requirements previously set forth in the conditional consent order and such other orders that may have been entered in this matter.

7. The court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this certification of compliance and repose and the Municipality's adopted Fourth Round HEFSP.

IT IS FURTHER ORDERED, that a copy of this order shall be deemed served on the Municipality through the Municipality's counsel, counsel for FSHC, and any other parties to this matter upon its posting by the court to the ecourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:

/s/ Linda Grasso Jones, J.S.C.
HON. LINDA GRASSO JONES, J.S.C.

SEE ATTACHED RIDER/STATEMENT OF REASONS

Rider/Statement of Reasons pursuant to R. 1:7-4(a):

Having reviewed and considered the Municipality's adopted and approved HEFSP, together with the now adopted implementing ordinances and resolutions for the effectuation and implementation of the same, the court is satisfied that the HEFSP, as adopted and endorsed by the Municipality and the accompanying and now timely adopted implementing ordinances and resolutions, is fair and equitable, shall provide a "realistic opportunity" for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Municipality and is thereby in the best interests of the protected class of low- and moderate-income households in the Municipality. This certification of compliance confirms the Municipality's complete and satisfactory compliance with the provisions and requirements of the FHA and Directive #14-24.

Accordingly, the court hereby **APPROVES** of the Municipality's adopted HEFSP, implementing ordinances and resolutions, and herewith issues its certification of compliance and repose in accordance with the FHA and Directive #14-24. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, shall continue to retain immunity from builder's remedy and/or exclusionary zoning litigation, and the court shall retain jurisdiction for purpose of enforcing the terms and conditions of this certification of compliance and repose and the Municipality's adopted Fourth Round HEFSP, in accordance with the statutory framework and AOC Directive #14-24.

The court's certification of compliance and repose implementing the court's decision accompanies this statement of reasons.

SO ORDERED:

/s/ Linda Grasso Jones, J.S.C.
HON. LINDA GRASSO JONES, J.S.C.
Designated Mt. Laurel Judge- Monmouth Vicinage