

Resolution No. 133-2025 – Endorsing a Fourth Round Housing Element and Fair Share Plan

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

WHEREAS, the Borough adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 27, 2025, establishing its Fourth Round Present Need of 5 and Prospective Need of 29; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 28, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Borough did not receive any objections to its Present and Prospective Need Obligations by February 28, 2025, resulting in the statutory automatic acceptance of the Borough’s Fourth Round obligations on March 1, 2025; and

WHEREAS, on April 1, 2025, the Court entered an order establishing the Borough’s Fourth Round Present Need of 5 and Prospective Need of 29; and

WHEREAS, now that the Borough has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Borough’s affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A; and

WHEREAS, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 23, 2025 and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

WHEREAS, the Borough Board of Commissioners wishes to endorse the Fourth Round Housing Element and Fair Share Plan that was adopted by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-by-the-Sea, County of Monmouth, State of New Jersey, as follows:

1. The Borough Board of Commissioners hereby endorses the Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the Borough’s Planning Board on June 23, 2025.

2. The Borough Board of Commissioners hereby directs the Borough's Affordable Housing Counsel to seek Program and Court approval of the Fourth Round Housing Element and Fair Share Plan via a Compliance Certification, and to take whatever actions are necessary to maintain the Borough's immunity from all Mount Laurel exclusionary zoning lawsuits.
3. The Borough reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.

CERTIFICATION

I hereby certify the above to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Avon-by-the-Sea at a meeting held on June 24, 2025.

A handwritten signature in black ink, appearing to read "Anna Bongiorno". The signature is fluid and cursive, with the first name "Anna" and last name "Bongiorno" clearly distinguishable.

Anna Bongiorno, RMC
Borough Clerk