

RESOLUTION 2025-132

**RESOLUTION OF THE BOROUGH OF BELMAR
ENDORING THE BOROUGH'S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (“**Mount Laurel IV**”), citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel I**”), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Id., citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel II**”), 92 N.J. 158, 205 (1983), (together with **Mount Laurel I**, the “**Mount Laurel Doctrine**”); and

WHEREAS, pursuant to **Mount Laurel IV**, the Borough of Belmar (the “**Borough**”) filed a declaratory judgment action on March 2, 2023, entitled “*In the Matter of the Application of the Borough of Belmar, a municipal Corporation of the State of New Jersey*”, Docket No. MON-L-655-23 (the “**DJ Action**”), seeking a judicial declaration that its Housing Element and Fair Share Plan (“**Third Round HEFSP**”) satisfied the Third Round “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

WHEREAS, as part of the settlement and resolution of the DJ Action, the Borough’s Planning Consultant, Leon S. Avakian Inc., prepared the Third Round HEFSP, identifying specific sites and mechanisms to address the Borough’s Third Round housing obligations that present a realistic opportunity for the development of housing affordable to very low, low and moderate income households; and

WHEREAS, the Borough Planning Board (the “**Planning Board**”) adopted the Third Round HEFSP on May 19, 2025 and the Council of the Borough (the “**Borough Council**”) adopted Resolution 2025-110 endorsing the Third Round HEFSP on May 27, 2025; and

WHEREAS, a Fairness and Compliance Hearing in the DJ Action is scheduled on June 27, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

WHEREAS, A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of need for present and prospective need for very low-, low- and moderate- income housing in each municipality for the Fourth Round on or before October 20, 2024; and

WHEREAS, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

WHEREAS, the DCA Report calculated the Borough’s Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 43; and

WHEREAS, on January 28, 2025, the Borough Council adopted Resolution No. 2025-34 (the “**Binding Resolution**”), accepting the obligation as set forth in the DCA Report; and

WHEREAS, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”) on January 30, 2025, the Borough filed a declaratory judgment action in the Superior Court of Morris County, bearing Docket No. MON-L-414-25 (the “**Fourth Round DJ Action**”); and

WHEREAS, the filing of the Fourth Round DJ Action, in accordance with the Act and the Directive, gave the Borough continued immunity from Builder’s Remedy lawsuits, which continues to be in full force and effect; and

WHEREAS, no interested party filed a challenge to the Fourth Round DJ Action; and

WHEREAS, the Borough engaged Christine Bell, PP, AICP, CFM of Leon S. Avakian, Inc. (the “**Borough Planner**”) to prepare a Housing Element and Fair Share Plan for the Fourth Round (the “**Fourth Round HEFSP**”) consistent with the obligation set forth in the Binding Resolution; and

WHEREAS, on April 1, 2025, the Honorable Linda Grasso Jones, J.S.C., the designated Mount Laurel Judge for the Monmouth Vicinage, entered an order setting the Borough's Present Need Obligation as 0 and the Prospective Need Obligation as 43, as set forth in the Binding Resolution; and

WHEREAS, in accordance with the Act and the Binding Resolution, the Borough Planner has prepared the Fourth Round HEFSP, dated June, 2025, on file in the Borough Clerk's office, which addresses the Borough's Present Need and Prospective Need Obligations for the Fourth Round; and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Planning Board is charged with the preparation and adoption of the Borough's Master Plan, which includes the housing element and fair share plan; and

WHEREAS, on June 16, 2025, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-313, the Planning Board held a public hearing to review the Fourth Round HEFSP prepared by the Borough Planner; and

WHEREAS, after review and consideration of the Fourth Round HEFSP and presentation by the Borough Planner, the Planning Board determined it was consistent with the goals and objectives of the Borough's current Master Plan, and adopted the same; and

WHEREAS, pursuant to the Directive, a resolution of the governing body must be adopted endorsing the Fourth Round HEFSP, no later than June 30, 2025, in order to seek a Final Judgment of Compliance and Repose; and

WHEREAS, after review and consideration of the Fourth Round HEFSP, the Borough finds it is in the best interest of the Borough to endorse the Fourth Round HEFSP, as adopted by the Borough's Planning Board.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Belmar, in the County of Monmouth, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Borough's Council endorses the Fourth Round HEFSP as prepared by the Borough Planner and adopted by the Planning Board.


Section 3. The Borough authorizes its professionals to file a copy of this Resolution, as well as a copy of the endorsed Fourth Round HEFSP with the Program.

Section 4. This resolution shall take effect immediately.

Mayor Buccafusco offered the above resolution and moved its adoption. Seconded by Councilwoman Rondinaro and adopted by the following vote on roll call:

Council Members:	AYES	NAYS	ABSTAIN	ABSENT
Mayor Buccafusco	X			
Councilwoman Rondinaro	X			
Councilwoman Kinney	X			
Councilwoman Donovan	X			
Councilman Levis	X			

I, APRIL CLAUDIO, CLERK OF THE BOROUGH OF BELMAR, Monmouth County, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Governing Body at its meeting of June 17, 2025.


APRIL CLAUDIO, RMC/CMC
MUNICIPAL CLERK