

**RESOLUTION 152-2025**

**BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**ENDORISING FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Borough of Eatontown, County of Monmouth, State of New Jersey, (hereinafter, "Borough" or "Eatontown") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations and in fact obtained a Final Round Three Judgment of Compliance and Repose on from the Court in the matter captioned In the Matter of the Application of the Borough of Eatontown, County of Monmouth, Superior Court of New Jersey, Law Division, Docket No. MON-L-2522-15 thereby immunizing the Borough from builder's remedy litigation until July 1, 2025 (the "Third Round Litigation") ; and

**WHEREAS**, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or the "Act"); and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the Present Need, also referred to as the rehabilitation obligation, and the Round 4 Prospective Need of all municipalities by October 20, 2024 based upon the criteria on the Amended FHA; and

**WHEREAS**, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the Present Need and the Round 4 Prospective Need obligation for all municipalities based upon its interpretation of the standards in the Act; and

**WHEREAS**, the DCA Report calculates Eatontown's Round 4 (2025-2035) Present Need (Rehabilitation) Obligation as 20 units and its Round 4 Prospective Need Obligation as 193 units; and

**WHEREAS**, the Borough adopted Resolution 45-2025 accepting the DCA's Fourth Round Present Need (Rehabilitation) calculation of 20 units but it rejected the DCA's calculation of the Borough's Fourth Round Prospective Need (New Construction) calculation of 193 units and instead calculated the obligation at 180 units in conformance with the Amended FHA; 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 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 filed a timely declaratory judgment complaint in accordance with AOC Directive #14-24 known as In the Matter of the Application of the Borough of Eatontown County of Monmouth, State of New Jersey, Docket No. MON-L-000310-25 seeking a declaration as to the Borough's Fourth Round affordable housing obligation and the approval of the Borough's Housing Element and Fair Share Plan ("HESP") which sets forth the affordable housing mechanisms the Borough will implement to satisfy its Fourth Round affordable housing obligation; and

**WHEREAS**, the Borough engaged in court ordered mediation through the Affordable Housing Dispute Resolution Program and reached an agreement with the New Jersey Builder's Association establishing the Borough's Fourth Round prospective need obligation at 186 units, subject to the ability to avail itself of a Vacant Land Adjustment, which was subsequently memorized through the entry of a court order on April 10, 2025; and

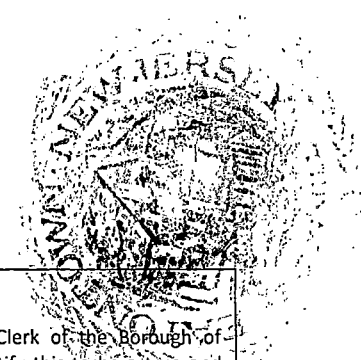
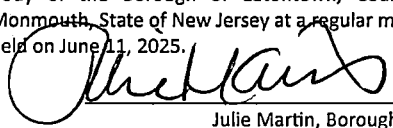
**WHEREAS**, the Amended FHA requires municipalities to adopt a Housing Element and Fair Share Plan ("HESP") by June 30, 2025 setting forth the Borough's affordable housing obligation and the mechanisms the Borough will establish to meet its constitutional obligation to provide for its fair share of affordable housing in order to maintain immunity from builder's remedy obligation; and

**WHEREAS**, the Borough Planner, Jennifer C. Beahm PP, AICP prepared the Fourth Round Housing Element Plan & Fair Share Housing Plan dated June 2, 2025, which concludes the Borough is entitled to rely upon a Vacant Land Adjustment resulting in a Realistic Development Potential of 76 affordable housing units with an Unmet Need of 110 affordable housing units; and

**WHEREAS**, the Planning Board of the Borough of Eatontown, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, held a public hearing on the Housing Plan Element & Fair Share Housing Plan prepared by Jennifer C. Beahm, PP, AICP on June 2, 2024 and considered the sworn testimony of Christine Bell, PP, AICP, CFM at the hearing and adopted a Resolution approving the Housing Plan Element and Fair Share Plan dated June 2, 2025; and

**WHEREAS**, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to endorse the Housing Plan Element and Fair Share Plan to obtain compliance certification from the Program/Court thereby protecting the Borough from exclusionary zoning litigation until July 1, 2035.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby endorses the Housing Plan Element & Fair Share Plan dated June 2, 2025 prepared by the Borough Planner, Jennifer C. Beahm, PP, AICP.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION
Council President East		X	X				 <p>I, Julie Martin, Borough Clerk of the Borough of Eatontown, do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at a regular meeting held on June 11, 2025.</p> <p> Julie Martin, Borough Clerk</p>
Councilmember Jones			X				
Councilmember Araman			X				
Councilmember Lawson	X		X				
Councilmember Faust			X				
Councilmember Escalante			X				
Mayor Talerico							