

**RESOLUTION 75-2026**

**BOROUGH OF EATONTOWN**

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

**RESOLUTION APPROVING AFFORDABLE HOUSING TRUST FUND SPENDING 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 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 establishing the Borough's Fourth Round prospective need obligation at 186 units which was subsequently memorized through the entry of a court order on April 10, 2025; and

**WHEREAS**, the Court entered an order on April 14, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 20 units and a Prospective Need of 186 units, which no

party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the Borough having filed its Housing Element and Fair Share Plan on June 4 2025 (the “HEFSP”); and

**WHEREAS**, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 31, 2025; and

**WHEREAS**, the Borough and FSHC and the Borough having agreed to amicably resolve the issues set forth in the challenge through a mediation agreement which if approved will result in a compliance certification for the Borough for the Fourth Round immunizing it from builder’s remedy litigation or ten years from the date certification is approved by the Court; and

**WHEREAS**, the Mediation Agreement requires the Borough to adopt an Affordable Housing Trust Fund Spending Plan as one of the compliance mechanisms which need to be adopted by March 16, 2026; and

**WHEREAS**, the Borough Council of the Borough of Eatontown believes it is in the best interest of the Borough to approve the Affordable Housing Trust Fund Spending Plan in order to obtain compliance certification from the Court thereby protecting the Borough from exclusionary zoning litigation for ten years until 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 approves the Affordable Housing Trust Fund Spending Plan in a form approved by the Borough Attorney.

**BE IT FURTHER RESOLVED** a copy of this Resolution shall be forwarded to the following:

1. Dena Amodea, CFO
2. Borough Planner
3. Borough Attorney

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<b>CERTIFICATION</b> I, Trina Lindsey, 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 the regular meeting held on March 11, 2026.   Trina Lindsey, RMC, Borough Clerk
Council President East	X		X				
Councilmember Araman						X	
Councilmember Escalante			X				
Councilmember Faust		X	X				
Councilmember Jones			X				
Councilmember Lawson			X				
Mayor Talerico, Jr.							