

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF EATONTOWN ADOPTING AN AMENDED 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 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 amend its Housing Element and Fair Share Plan to conform the compliance mechanisms from the Mediation Agreement into the Housing Element and Fair Share Plan which need to be adopted by March 16, 2026; and

WHEREAS, the Borough Planner has prepared an Amended Fourth Round Housing Element and Fair Share Plan ("Amended Fourth Round Plan"), which is attached hereto as Exhibit A; and

WHEREAS, the Planning Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the Borough's current Master Plan, and that adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby adopts the Borough's Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

CERTIFICATION

I hereby certify that I, the undersigned, am the secretary of the Planning Board of the Borough of Eatontown, and I hereby certify that the foregoing Resolution was unanimously adopted by the Land Use Board at a meeting held on the 16th day of March, 2026.



Colleen Matthews, Secretary