

COUNCIL OF THE BOROUGH OF FAIR HAVEN

MONMOUTH COUNTY, NEW JERSEY

RESOLUTION

Motion by: Councilmember Cole

Second by: Councilmember Koch

AFFIRMATIVE: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

NEGATIVE: None

ABSTAIN: None

ABSENT: Councilmember LaBarbera

RESOLUTION NO. 2025-196

**TITLE: RESOLUTION OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN
ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED
BY THE FAIR HAVEN PLANNING BOARD**

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 “FHA II”); and

WHEREAS, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan (“HEFSP”); and

WHEREAS, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025 and filing that plan within 48 hours with the Affordable Housing Dispute Resolution Program (the “Program”); and

WHEREAS, in accordance with this statutory procedure, the Borough adopted a binding resolution on January 22, 2025 committing to a Fourth Round Present Need of 0 and Round 4 Prospective Need obligation of 92, subject to applicable adjustments;

WHEREAS, in accordance with this statutory procedure, the Borough filed a declaratory relief action within 48 hours from adoption of the binding resolution; 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’s affordable housing planning consultant, Kendra Lelie, PP, AICP, LLA of Kyle+ McManus has prepared a HEFSP to address the Borough’s affordable housing obligations under FHA II; and

WHEREAS, the Fair Haven Borough Planning Board adopted a HEFSP prepared by Ms. Lelie on June 10, 2025, which is attached hereto as Exhibit A; and

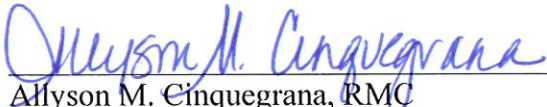
WHEREAS, in accordance with the procedure established by FHA II, the Borough’s affordable housing counsel filed the duly adopted HEFSP with the Program created by FHA II within 48 hours from adoption; and

WHEREAS, the Borough Council now wishes to endorse the Housing Element and Fair Share Plan adopted by the Fair Haven Planning Board and seek approval of the HEFSP by the Program and Court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council hereby endorses the Fourth Round HEFSP previously adopted by the Fair Haven Planning Board and attached hereto.
2. The Borough Council hereby directs the Borough's Affordable Housing Counsel to (a) file this resolution with the Program, along with any additional documents the professionals deem necessary or desirable; and (b) seek a Compliance Certification from the Program or Vicinage area judge as may be appropriate formally approving the Plan.
3. The Borough reserves the right to further amend the HEFSP attached hereto, should that be necessary.

I, Allyson M. Cinquegrana, Municipal Clerk of the Borough of Fair Haven in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Fair Haven in the County of Monmouth in the State of New Jersey at a meeting held on July 14, 2025.



Allyson M. Cinquegrana, RMC
Municipal Clerk