

**RESOLUTION****BOROUGH OF FREEHOLD  
PLANNING BOARD RESOLUTION  
ADOPTING AMENDED THIRD AND 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**, on March 16, 2022, the Borough of Freehold (the “**Borough**”) filed a declaratory action captioned, *In the Matter of the Application of the Borough of Freehold*, Docket No. MON-L-759-22 (the “**2022 DJ Action**”) seeking a Judgment of Compliance and Response approving its updated Housing Element of Fair Share Plan for the Third Round in addition to related relief in accordance with the New Jersey Supreme Court decision in In Re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ; 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 270 and a Prospective Need or New Construction Obligation of 49; and

**WHEREAS**, on January 21, 2025, the Borough Council adopted Resolution No. 39-25 (the "**Binding Resolution**"), accepting the obligation as set forth in the DCA Report subject to a vacant land adjustment; 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 23, 2025, the Borough filed a declaratory judgment action in the Superior Court of Monmouth County, bearing Docket No. MON-L-294-25 (the "**2025 DJ Action**" and together with the 2022 DJ Action the "**DJ Actions**"); and

**WHEREAS**, the filing of the DJ Actions, in accordance with the Act and the Directive, gave the Borough 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 DJ Actions; and

**WHEREAS**, as part of the DJ Actions, in accordance with the Act and the Binding Resolution, the Borough's Planning Consultant, Topology, (the "**Borough Planner**") prepared a Housing Element and Fair Share Plan which is on file with the Borough Clerk which addresses the Borough's Present Need and Prospective Need Obligations for the Third and Fourth Rounds ("**Original HEFSP**"); and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-28, the Planning Board of the Borough (the "**Planning Board**") is charged with the preparation and adoption of the Borough's Master Plan, which includes the Original HEFSP; and

**WHEREAS**, on June 11, 2025, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-13, the Planning Board held a public hearing to review the Original HEFSP prepared by the Borough Planner, which was continued and carried, as set forth on the record, to June 25, 2025; and

**WHEREAS**, after review and consideration of the Original HEFSP and presentation by the Borough Planner, the Planning Board determined the Original HEFSP is consistent with the goals and objectives of the Borough's current Master Plan, and further determined adoption of the same was in the best interest of the Borough; and

**WHEREAS**, the Borough Council adopted a resolution endorsing the Original HEFSP on July 14, 2025; and

**WHEREAS**, the Borough Planner prepared an amendment to the Original HEFSP in accordance with the terms of a settlement agreement and Consent Order with Fair Share Housing Center (the “HEFSP”); and

**WHEREAS**, on February 25, 2026, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-13, the Planning Board held a public hearing to review the HEFSP prepared by the Borough Planner; and

**WHEREAS**, after review and consideration of the HEFSP and presentation by the Borough Planner, the Planning Board has determined the HEFSP is consistent with the goals and objectives of the Borough’s current Master Plan, and further determined adoption of the same is in the best interest of the Borough; and

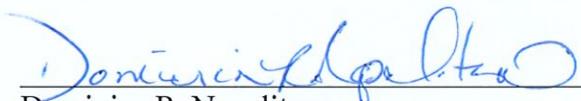
**WHEREAS**, upon adoption of the HEFSP, the Planning Board Secretary is hereby directed to transmit the same to the Clerk of the Borough for consideration of endorsement by the Borough Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Freehold, Monmouth County, New Jersey, as follows:

1. The foregoing recitals are incorporated herein and made a part hereof as though fully restated.
2. The HEFSP is hereby approved and adopted.
3. The Board Secretary shall forthwith cause notice of the adoption of this Resolution to be duly published in the designated newspaper of the Planning Board.
4. The Board Secretary shall also forthwith transmit a copy of this Resolution and the adopted HEFSP to the Borough Clerk and Borough Council.
5. No later than thirty days from the date hereof, the Board Secretary shall cause a copy of this Resolution and adopted HEFSP to be provided to the Office of Planning Advocacy and to the Monmouth County Planning Board via personal service or certified mail, return receipt requested, in accordance with the requirements of N.J.S.A. 40:55D-13.

Board Members	YES	NO	ABS	N.V.	AB	Board Members	YES	NO	ABS	N.V.	AB
Ceppi	X					Keelan	X				
McCabe	X					Van Vorst					X
Wildermuth	X					Councilwoman Rogers	X				
Crombie	X					DeFalco	X				
Argote-Freyre					X	Mayor Kane	X				
X – Indicate Vote      ABS – Abstain      N.V. – Not Voting      AB - Absent											

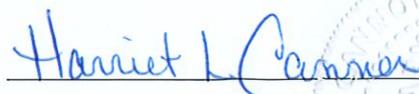
I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Planning Board of the Borough of Freehold, in the County of Monmouth, at its meeting held on February 25, 2026.

  
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 Dominica R. Napolitano  
 Planning Board Secretary

State of New Jersey:  
 County of Monmouth: ss:

I CERTIFY, that on the 25th day of February, 2026, Dominica R. Napolitano, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached instrument as Board Secretary of the Borough of Freehold;
- (b) executed this instrument as his or her own act on behalf of the Planning Board (Joint Land Use Board) of Freehold Borough .

  
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