

## RESOLUTION APPROVING SPENDING PLAN

**WHEREAS**, the Township of Holmdel, County of Monmouth, State of New Jersey, (hereinafter, "Township" or "Holmdel") 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 from the Court in the matter captioned In the Matter of the Application of the Township of Holmdel, County of Monmouth, Superior Court of New Jersey, Law Division, Docket No. MON-L-2523-15 thereby immunizing the Township 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 Fourth Round Prospective Need obligation for all municipalities based upon its interpretation of the standards in the Act; and

**WHEREAS**, the DCA Report calculated Holmdel's Fourth Round (2025-2035) Present Need (Rehabilitation) Obligation as 129 and its Fourth Round Prospective Need Obligation as 133 affordable housing units; and

**WHEREAS**, the Township Planner reviewed and reduced the Land Capacity Allocation Factor set forth in the DCA Report resulting in the reduction of Holmdel's Fourth Round Prospective Need obligation to 98 units; and

**WHEREAS**, in accordance with the requirements of the Amended FHA and Directive 14-24 issued by the Administrative Office of the Courts, the Township filed a timely declaratory judgment captioned In the Matter of the Application of the Township of Holmdel, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-445-25 (the "Litigation") seeking a declaration as to the Township's Fourth Round affordable housing obligation and continued immunity from builder's remedy litigation; and

**WHEREAS**, the Court having entered a decision fixing Holmdel's prospective for the Fourth Round at 106 units and the Township having adopted and filed a Housing Element and Fair Share Plan setting forth the Township's affordable housing plan to meet its Fourth-Round obligation; and

**WHEREAS**, Fair Share Housing Center ("FSHC") and a private developer having filed an objection to the Township's Fourth Round

**WHEREAS**, the Township disputed the contentions raised in FSHC's and the private developer's objection and engaged in mandatory mediation with FSHC through the Affordable Housing Dispute Resolution Program ("Program") established pursuant to N.J.S.A. 52:27D-313.2; and

**WHEREAS**, the Township Committee having approved a Mediation Agreement with Fair Share Housing Center resolving the Township's mechanisms by which it will meet its Fourth Round affordable housing obligation and the Court having entered an order approving the Agreement and requiring the Township to adopt the Fourth Round ordinances and resolutions, including one approving a Spending Plan by March 16, 2026 in accordance with the requirements of the Amended FHA; and

**WHEREAS**, the Township Committee believes it is in the best interest of the Township to approve the Spending Plan in order to obtain continued immunity from builder's remedy litigation through 2035.

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Holmdel, County of Monmouth, State of New Jersey that it hereby approves the Affordable Housing Trust Fund Spending Plan, and it shall expend money in its Affordable Housing Trust Fund in conformance with the Spending Plan.

CERTIFICATION

I, Wendy L. Patrovich, Township Clerk of the Township of Holmdel, do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on March 13, 2026.



Wendy L. Patrovich, RMC/CMR  
Township Clerk