

**RESOLUTION NO. 2025-176**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KEYPORT  
ENDORING THE HOUSING ELEMENT AND FAIR SHARE PLAN  
ADOPTED BY THE KEYPORT 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 21, 2025 committing to a Fourth Round Present Need of 29 and Round 4 Prospective Need obligation of 37, 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 declaratory relief action 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, McKinely Mertz, PP, AICP, of Heyer Gruel & Associates has prepared a HEFSP to address the Borough's affordable housing obligations under FHA II; and

**WHEREAS**, the Keyport Borough Planning Board adopted a HEFSP prepared by Ms. Mertz on June 17, 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 shall file the duly adopted HEFSP with the Program created by FHA II within 48 hours from adoption; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

1. The Mayor and Council of the Borough of Keyport hereby endorses the Fourth Round HEFSP previously adopted by the Keyport Planning Board and attached hereto.

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2. The Mayor and Council of the Borough of Keyport 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.

RECORDED VOTE						
Councilmember	Offered	Seconded	Aye	Nay	Abstain	Absent
Brady			X			
Gross			X			
McNamara			X			
Merla		X	X			
Reilly	X		X			
Vecchio			X			

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Council Meeting held on June 17, 2025.

Michele Clark, RMC  
Borough Clerk

