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March 16, 2026

Honorable Linda Grasso Jones, J.S.C.
New Jersey Superior Court, Law Division
Monmouth County Courthouse
71 Monument Street
Freehold, New Jersey 07728

Re: IMO the Declaratory Judgment Action of the Borough of Lake Como
Docket No.: MON-L-303-25
Transmittal of Adopted Ordinances Implementing HEFSP

Dear Judge Grasso Jones:

We represent the Borough of Lake Como (the “Borough”). By way of background, on June 17, 2025, Lake Como’s Borough Council endorsed the Lake Como Housing Element and Fair Share Plan (“HEFSP” or “Plan”). The Plan was inadvertently not filed with the Court at that time, leading to the *sua sponte* dismissal of the Borough’s Complaint for Declaratory Judgment without prejudice on February 19, 2026. The Plan was subsequently filed with the Court on March 2, 2026, in conjunction with the Borough’s request to vacate dismissal of its Declaratory Judgment action and reinstatement of the Complaint.

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In accordance with the timeline set forth in section 304.1(f)(2)(c) of the Fair Housing Act, the Borough Council adopted Ordinances 2026-1 and 2026-2 on March 13, 2026. See Notices of adoption, **Exhibit A**. As provided in the HEFSP, Ordinance 2026-1 (**Exhibit B**) amended the Development Regulations of the Borough to create a MU-AH Mixed Use Affordable Housing Overlay Zone in the General Business zone.¹ Ordinance 2026-2 (**Exhibit C**) is a comprehensive measure implementing the Fourth Round Plan as required by controlling statutory provisions and administrative regulations.

It is respectfully submitted that the Borough has proceeded in good faith and in due course to comply with the terms and spirit of the amended Fair Housing Act, and is therefore entitled to: (1) reinstatement of its Complaint; (2) a declaration that the Borough is constitutionally compliant with its obligation to provide a realistic opportunity for the provision of affordable housing; (3) issuance of a Compliance Certification for the Fourth Round housing period beginning July 1, 2025 and ending June 30, 2035; and (4) such other relief as the Court deems just.

Respectfully submitted,

RAINONE COUGHLIN MINCHELLO

/s/ Marguerite M. Schaffer

Marguerite M. Schaffer

Cc: Client

¹ Ordinance 2026-1 was amended by the Council at first reading on March 3, 2026, to render the bulk standards in the overlay zone consistent with those in the underlying general business district.