

**RESOLUTION
TOWNSHIP OF MANALAPAN
PLANNING BOARD
HOUSING ELEMENT AND FAIR SHARE PLAN
2025 (FOURTH ROUND)
DECIDED ON JUNE 12, 2025
MEMORIALIZED ON JUNE 12, 2025**

WHEREAS, in a landmark decision in Southern Burlington County N.A.A.C.P. v. Mount Laurel Tp., 67 NJ 151 (1975) (Mount Laurel I), the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a variety in choice of housing types affordable to low- and moderate-income households; and

WHEREAS, in Southern Burlington County N.A.A.C.P. v. Mount Laurel Tp., 92 NJ 158 (1983) (Mount Laurel II), the New Jersey Supreme Court extended the regional fair share obligation to all municipalities with any growth area as designated in the New Jersey State Development Guide Plan ("NJDCAP 1978") and determined that each municipality would have to establish its fair share obligation and provide zoning strategies to create a realistic opportunity for fulfillment of the fair share obligation; and

WHEREAS, in 1985 the New Jersey legislature enacted the Fair Housing Act in response to Mount Laurel II. The Fair Housing Act created the Council on Affordable Housing ("COAH") as an administrative alternative to compliance in a court proceeding. Under the enabling legislation, COAH had primary jurisdiction over affordable housing in New Jersey. COAH created a process for the review and approval of appropriate Housing Elements and Fair Share Plans. Approval of a municipal Housing Element and Fair Share Plan by COAH was referred to as substantive certification and it provided protection from builder's remedy litigation during the period within which it was addressed by the Housing Element and Fair Share Plan; and

WHEREAS, the New Jersey Supreme Court issued a Decision and Order on March 10, 2015, In Re Adoption of N.J.A.C. 5:96 & 5:97 by the Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein the Court held that because COAH failed to adopt amended Third Round Rules, constitutional compliance cannot be evaluated under COAH's jurisdiction which thereby rendered the FHA's exhaustion of administration remedies futile; and

WHEREAS, the New Jersey Supreme Court in Mount Laurel IV ordered that the Courts may resume their role as the forum of first instance for evaluating compliance with Mount Laurel obligations; and

WHEREAS, municipalities were required to apply to the Superior Court with a Declaratory Judgment action if a municipality wished to be protected from exclusionary zoning litigation, including builders' remedy lawsuits. The trial judges, with the assistance of an appointed Special Adjudicator to the Court, reviewed municipal housing plans much in the same manner as COAH previously did; and

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 ("FHA"); and

WHEREAS, P.L. 2024, c. 2 abolished COAH, created the Affordable Housing Dispute Resolution Program (Program) and established new procedures and deadlines for municipalities to come into compliance with the FHA and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance

with the FHA in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c.2; and

WHEREAS, Directive #14-24 and P.L. 2024, c. 2, requires each municipality to adopt a binding resolution setting forth its Fourth-Round present and prospective need obligations and to file a Declaratory Judgment action with the Program through the New Jersey e-courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

NOW, THEREFORE, the Township of Manalapan Planning Board (the "Planning Board") does make the following findings of fact and conclusions of law:

1. Under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-28, the Planning Board is charged with the preparation and adoption of Manalapan's Master Plan, which includes the Housing Plan Element and Fair Share Plan.

2. A 2025 Fourth Round Housing Plan titled "Housing Plan Element and Fair Share Plan, prepared for the Township of Manalapan, Monmouth County, New Jersey" was prepared by Jennifer C. Beahm, P.P., A.I.C.P of Leon S. Avakian, Inc.

3. The Planning Board in accordance with the MLUL pursuant to N.J.S.A. 40:55D-13 and N.J.S.A. 40:55D-28 upon notice to the public conducted a public hearing on June 12, 2025 in regard to the Housing Plan Element and Fair Share Plan (HEFSP) and the HEFSP was presented to the Planning Board and to the public by the Board Planner, Christine Bell, P.P.

4. The DCA calculated a municipal Fourth Round affordable housing obligation for 2025-2035 (Fourth Round) methodology and background, released on or about October 18, 2024. This DCA Report calculated a Fourth Round present need obligation of 62 units and a prospective need obligation of 262 units.

5. The Planning Board finds that the Housing Element and Plan, prepared by the Board Planner, Jennifer C. Beahm, P.P., A.I.C.P., and which is on file with the Township Clerk, addresses Manalapan's present need and prospective need obligations for both the prior and Fourth Rounds.

6. The Planning Board after review and consideration of the HEFSP has determined the HEFSP is consistent with the goals and objectives of Manalapan's Master Plans and serves the interest of low- and moderate-income households in accordance with the Mount Laurel Doctrine and the Fair Housing Act.

7. The Planning Board also incorporates by reference and makes a part hereof the 2025 Fourth Round Housing Plan – Housing Element and Fair Share Plan for the Township of Manalapan and prepared by Jennifer C. Beahm, P.P., A.I.C.P. of Leon S. Avakian, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Manalapan has reviewed the 2025 Fourth Round Housing Element and Fair Share Plan prepared for Manalapan Township, Monmouth County, New Jersey by Jennifer C. Beahm, P.P. A.I.C.P. of Leon S. Avakian, Inc. and has determined that the HEFSP is consistent with the goals and objectives of the Township of Manalapan's Master Plan. The Planning Board finds that the present need and prospective need calculations for the number of affordable housing units serves the interest of low- and moderate-income households in accordance with the Mount Laurel Doctrine and the Fair Housing Act. The Planning Board also incorporates by reference and makes a part hereof the 2025 Housing Element and Fair Share Plan. The Planning Board hereby adopts the Housing Element and Fair Share Plan as an amendment to the Township of Manalapan's Master Plan and as a part of a Master Plan approval process in accordance with the requirements of the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-13 and N.J.S.A. 40:55D-28 and in accordance with the Fair Housing Act pursuant to N.J.S.A. 52:27D-310.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Planning Board of the Township of Manalapan on this 12th day of June, 2025 that the action of the Planning Board taken on June 12, 2025 in adopting the 2025 Housing Element and Fair Share Plan prepared by Jennifer C. Beahm, P.P., A.I.C.P. of Leon S. Avakian, Inc. which HESP is incorporated herein by reference and made a part hereof and pursuant to the MLUL under N.J.S.A. 40:55D-13 and N.J.S.A. 40:55D-28 and pursuant to N.J.S.A. 40:55D-10(g) the Resolution is hereby memorialized.

FOR APPROVAL

ON MOTION OF: Mr. Hogan

SECONDED BY: Mr. Fisher

	YES	NO	ABSTAIN	ABSENT	INELIGIBLE	RECUSE
Barry Fisher	✓					
Todd Brown	✓					
John Castronovo	✓					
Barry Jacobson	✓					
Chairperson Kathryn Kwaak	✓					
Jack McNaboe	✓					
Chief Richard Hogan	✓					
Steven Kastell	✓					
Eric Nelson	✓					
Nunzio Pollifrone (Alt. #1)					✓	
Pat Givlekian (Alt #2)					✓	

FOR MEMORIALIZATIONON MOTION OF: Mr. JacobsonSECONDED BY: Mr. Fisher

	YES	NO	ABSTAIN	ABSENT	INELIGIBLE	RECUSE
Barry Fisher	✓					
Todd Brown	✓					
John Castronovo	✓					
Barry Jacobson	✓					
Chairperson Kathryn Kwaak	✓					
Jack McNaboe	✓					
Chief Richard Hogan	✓					
Steven Kastell	✓					
Eric Nelson	✓					
Nunzio Pollifrone (Alt. #1)					✓	
Pat Givelekian (Alt #2)					✓	

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Manalapan Township Planning Board, Monmouth County, New Jersey, at a public meeting held on June 12, 2025.

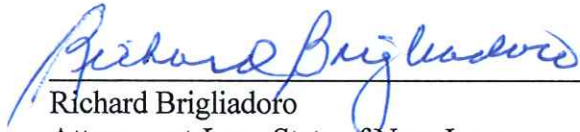


Kathryn Kwaak, Chairperson
Manalapan Township Planning Board

STATE OF NEW JERSEY :
: ss.
COUNTY OF MONMOUTH:

I hereby certify that on June 12, 2025, Kathryn Kwaak personally came before me and acknowledged under oath, to satisfaction, that this person:

- (a) is the Secretary of the Manalapan Township Planning Board; and
- (b) signed the Resolution as her act and deed.


Richard Briigliodoro
Attorney-at-Law, State of New Jersey

Dated: