

**BOROUGH OF MANASQUAN  
RESOLUTION  
199-2025**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN ENDORSING A FOURTH ROUND HOUSING  
ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Borough of Manasquan (hereinafter the “Borough” or “Manasquan”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Borough of Manasquan filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

**WHEREAS**, the Borough continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

**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 the “Amended FHA”); and

**WHEREAS**, the Borough adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 21, 2025, establishing its Fourth Round Present Need of 0 and Prospective Need of 67; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Court and the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 23, 2025; and

**WHEREAS**, the filing of the DJ Complaint 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 did not receive any objections to its Present and Prospective Need Obligations by February 28, 2025, resulting in the statutory automatic acceptance of the Borough’s Fourth Round obligations on March 1, 2025; and

**WHEREAS**, on April 1, 2025, the Court entered an order establishing the Borough’s Fourth Round Present Need of 0 and Prospective Need of 67; and

**WHEREAS**, the Amended FHA requires a municipality to adopt and file a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

**WHEREAS**, in accordance with the Amended FHA, the Borough’s affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A; and

**WHEREAS**, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 24, 2025 and adopted the Fourth Round

Housing Element and Fair Share Plan via a resolution on that same night, and both were subsequently filed with the Program and the Court within 48 hours of adoption; and

**WHEREAS**, the Borough Council wishes to endorse the Fourth Round Housing Element and Fair Share Plan that was adopted by the Planning Board.

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

1. The Borough Council hereby endorses the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A, which was adopted by the Borough's Planning Board on June 24, 2025.
2. The Borough Council hereby directs the Borough's Affordable Housing Counsel to seek Program and Court approval of the Fourth Round Housing Element and Fair Share Plan via a Compliance Certification, and to take whatever actions are necessary to maintain the Borough's immunity from all Mount Laurel exclusionary zoning lawsuits.
3. The Borough reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.

#### CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Council of the Borough of Manasquan at a regular meeting held on the 7<sup>th</sup> day of July 2025.

  
NANCY ACCIAVATTI, RMC  
Municipal Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRESNAHAN			✓			
BRYANT		✓	✓			
HOLLY	✓		✓			
OLIVERA			✓			
TRIGGIANO			✓			
VIDREIRO			✓			
ON CONSENT AGENDA			✓	YES	NO	