

FILED

April 24, 2026

Hon. Linda Grasso Jones, J.S.C.

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Attorneys for Declaratory Plaintiff, Borough of Manasquan

By: Erik C. Nolan (Attorney ID:014032006)

**In the Matter of the Application of the
Borough of Manasquan, County of
Monmouth.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Monmouth County
Docket No. MON-L-299-25

**CIVIL ACTION
(Mount Laurel)**

**Consent Order Final Compliance
Certification (N.J.S.A. 52:27D-304(q))**

THIS MATTER having come before the Court via the joint request of the Borough of Manasquan (the “Borough” or “Manasquan”) via counsel Erik C. Nolan, Esq., as well as Fair Share Housing Center, via counsel Ariela Rutbeck-Goldman, Esq. (on behalf of Fair Share Housing Center), seeking a certification of compliance with the Fair Housing Act (“FHA”); and

WHEREAS, the Borough having filed on January 23, 2025 a Fourth Round Declaratory Judgment Complaint with the Affordable Housing Dispute Resolution Program (the “Program”) and the Court, along with a resolution that accepted the Fourth Round Present and Prospective Need Obligations issued by the Department of Community Affairs (“DCA”); and

WHEREAS, the Borough having filed an adopted Fourth Round Housing Element and Fair Share Plan by the required June 30, 2025 FHA deadline; and

WHEREAS, FSHC and developer NJSA, Inc. having filed challenges to the plan by the required August 31, 2025 FHA deadline; and

WHEREAS, several Manasquan Borough residents having filed objection letters prior to the August 31, 2025 deadline (collectively the “Brady Challenge”) regarding a proposed project in the Borough’s plan located on 11-13 Pearce Avenue (Block 64, Lots 2 and 3)(the “Sepe Project”); and

WHEREAS, the Borough and developer NJSA, Inc. having negotiated a settlement and entered into a Mediation Agreement on January 5, 2026; and

WHEREAS, the Borough and FSHC having negotiated a settlement and entered into a Mediation Agreement on January 5, 2026; and

WHEREAS, the Program having issued on January 20, 2026 a Report and Recommendation for approval of the Mediation Agreements and preliminary approval of the Borough’s Fourth Round Housing Element and Fair Share Plan to be amended; and

WHEREAS, on February 11, 2026, the Borough having written a letter to the Court indicating that the Sepe Project would no longer be a part of the Borough’s plan, and that the Borough and FSHC were negotiating an Amended Mediation Agreement; and

WHEREAS, the Court having entered an Order on February 26, 2026 accepting and adopting the Program Member’s Report and Recommendation for approval of the Mediation Agreements and preliminary approval of the Borough’s Fourth Round Housing Element and Fair Share Plan to be amended; and

WHEREAS, the Borough and FSHC having entered into an Amended Mediation

Agreement on March 16, 2026, which is incorporated herein by reference; and

WHEREAS, the Borough’s Planning Board having adopted on March 11, 2026 an Amended Housing Element and Fair Share Plan (“Amended HEFSP”), and the Borough having thereafter endorsed the Amended HEFSP and adopted its implementing resolutions and ordinances on March 16, 2026, and having submitted same to FSHC and the Court on March 17, 2026; and

WHEREAS, FSHC having reviewed the Borough’s filing in accordance with the parties’ Amended Mediation Agreement and confirmed that the Borough has partially complied with the terms outlined in the Amended Mediation Agreement; and

WHEREAS, the Court having reviewed the Borough’s Amended HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the Program and Court’s prior order(s) and determined that they meet the “objective standard” and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in this order are met; and

WHEREAS, the Court incorporates the Court’s prior orders and for good cause shown:

IT IS on this 24th day of April, 2026, **ORDERED** as follows:

1. The Borough’s Fourth Round HEFSP, as amended, attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibit P-1 through Exhibit P-8 (inclusive) and herein as the “Implementing Ordinances & Resolutions”, are hereby admitted into evidence and entered into the record.
2. Subject to the satisfaction of the conditions in Paragraph 10 herein, the Borough of Manasquan’s Fourth Round Amended HEFSP (Exhibit P-1) is hereby approved and deemed to meet the “objective standard” pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with the Fair Housing Act and the Mount Laurel doctrine and the Borough is

granted a Compliance Certification as to its Rehabilitation Obligation (“Present Need”), its Prior Round Obligation (1987-1999), its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025), and its Fourth Round obligation pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) (“FHA”), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) (“UHAC”), applicable Council on Affordable Housing (hereinafter “COAH”) substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court’s Mount Laurel IV decision.

3. The Borough’s Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the Borough shall have repose from exclusionary zoning litigation, including, but not limited to, Builder’s Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. The Borough’s Compliance Certification shall remain subject, however, to revocation or other Order of the Court that does or may hereafter issue, on notice of motion by FSHC to the Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle, in accordance with Fair Housing Act requirements.
4. As per the Borough’s Fourth Round Amended HEFSP and earlier Court Order, the Borough’s Present Need or Rehabilitation Obligation is Zero (0), the Borough’s Prior Round Obligation (1987-1999) is 149, the Borough’s Third Round Obligation (1999-2025) is 382, and the Borough’s Fourth Round Prospective Need (2025-2035) is 67.

5. Since the Borough’s Present Need is Zero (0), the Borough has fully satisfied its Present Need obligation. That said, the Borough will continue to participate in the Monmouth County Rehabilitation Program during the Fourth Round.
6. The Borough’s combined Prior Round Obligation of 149 and Third Round Obligation of 382 was adjusted through a Third Round Vacant Land Adjustment to 12, and has been met with the following mechanisms:
 - The constructed and occupied Broad Street project (Block 64, Lots 25.01, 25.03, 26, and 27), which consists of twenty-two (22) market-rate units.
 - The constructed and occupied Union Avenue project (Block 66.02, Lot 31.01), which consists of fourteen (14) market rate units and nine (9) affordable family rental units. The nine (9) affordable family rental units represents a 20% set-aside from both the Broad Street and Union Avenue projects.
 - Three (3) family rental bonus credits.
7. As to its Fourth Round Prospective Need Obligation, the Borough is entitled to a Vacant Land Adjustment as set forth in its Adopted HEFSP dated June 24, 2025, yielding a Fourth Round RDP of 10 and an Unmet Need of 57.
8. The Borough shall satisfy its Fourth Round RDP with the following mechanisms:

| MECHANISM | LOCATION | TYPE | UNITS | BONUS | TENURES | STATUS |
|--|-----------------------------------|--------------|--------------|--------------|----------------|----------------|
| Trenton Partners (Block 81, Lot 57.01) | East Side of Rt. 71 at Curtis Ave | Inclusionary | 5 | 2.5 | Family Rentals | Zoning Adopted |
| 23 Taylor Ave. (Block 62, Lot 9) | West Side of Rt. 71 North of Main | Inclusionary | 3 | | Rentals | Zoning Adopted |
| Jersey Mikes Site Project | 29-37 Taylor Avenue & | Inclusionary | 2 | | Family Rentals | Zoning Adopted |

| | | | | | | |
|--------------|---------------------|--|-----------|------------|--|--|
| | 68-72 Taylor Avenue | | | | | |
| Total | | | 10 | 2.5 | | |

9. The Borough shall address its Fourth Round Unmet Need with the following mechanisms:

| NAME | UNITS | TENURE | STATUS |
|---|----------------------------------|------------------|-------------|
| Accessory Apartment Program | TBD | TBD | In Place |
| Mandatory Set-Aside Ordinance | TBD | TBD | Adopted |
| 245 Parker Avenue Project | 1 bedroom low- income unit | Family Rental | Constructed |
| Main Street Affordable Housing Overlay Zone (14 Units Per Acre) | TBD | TBD | In Place |
| Amended Route 71 Redevelopment Overlay Zone (Block 52, Lots 38.01, 33.01 and 38; Block 90, Lots 1.02 and 2) (20 Units Per Acre) | 20 | TBD | Adopted |

10. The Borough and FSHC agree that the following Short Term Condition remains to be met as a condition of this Compliance Certification: The Borough’s Administrative Agent will prepare an Accessory Apartment Manual and an Affordability Assistance Manual, and the Borough will adopt same within 60 days of the entry of this Order.

11. The Borough’s Compliance Certification shall be subject to required ongoing monitoring as follows:

- The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.
- The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number affordable of housing units actually constructed, construction starts, certificates of occupancy granted, the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date, and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.
- For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the municipality or other interested party may file an action through the program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be

through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

12. The Court shall retain jurisdiction for the limited purpose of allowing FSHC and the Borough the opportunity to enforce the terms and conditions of this Certification of Compliance and Repose and the Borough's adopted Fourth Round HEFSP.

13. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

SO ORDERED:

/s/ Linda Grasso Jones, J.S.C.
HON. LINDA GRASSO JONES, J.S.C.
Designated Mt. Laurel Judge- Monmouth Vicinage

SEE ATTACHED RIDER/STATEMENT OF REASONS

On behalf of the Borough of Manasquan:

/s/ Erik C. Nolan

Erik C. Nolan, Esq.

On behalf of Fair Share Housing Center:

/s/ Ariela Rutbeck-Goldman

Ariela Rutbeck-Goldman, Esq.

Rider/Statement of Reasons pursuant to R. 1:7-4(a):

Having reviewed and considered the Municipality's adopted and approved HEFSP, together with the now adopted implementing ordinances and resolutions for the effectuation and implementation of the same, the court is satisfied that the HEFSP, as adopted and endorsed by the Municipality and the accompanying and now timely adopted implementing ordinances and resolutions, is fair and equitable, shall provide a "realistic opportunity" for the construction and/or delivery of housing affordable to those of the protected class of low- and moderate-income households in the Municipality and is thereby in the best interests of the protected class of low- and moderate-income households in the Municipality. This certification of compliance confirms the Municipality's complete and satisfactory compliance with the provisions and requirements of the FHA and Directive #14-24.

Accordingly, the court hereby **APPROVES** of the Municipality's adopted HEFSP, implementing ordinances and resolutions, and herewith issues its certification of compliance and repose in accordance with the FHA and Directive #14-24. As a result, the Municipality retains all the protections of the above-referenced amendments to the FHA, shall continue to retain immunity from builder's remedy and/or exclusionary zoning litigation, and the court shall retain jurisdiction for purpose of enforcing the terms and conditions of this certification of compliance and repose and the Municipality's adopted Fourth Round HEFSP, in accordance with the statutory framework and AOC Directive #14-24.

The court's certification of compliance and repose implementing the court's decision accompanies this statement of reasons.

SO ORDERED:

/s/ Linda Grasso Jones, J.S.C.

HON. LINDA GRASSO JONES, J.S.C.

Designated Mt. Laurel Judge – Monmouth Vicinage

SCHEDULE-1

P-1: Amended Fourth Round Housing Element and Fair Share Plan. The Amended HEFSP was adopted by the Borough's Planning Board on March 11, 2026, and was endorsed by the Borough Council on March 16, 2026.

P-2: Amended Mediation Agreement between the Borough and FSHC. After one of the developers in the Borough's plan decided not to move forward with their project, the Borough representatives and FSHC negotiated an Amended Mediation Agreement, which has been executed by FSHC on February 16, 2026 and the Borough's Mayor on March 16, 2026.

P-3: NJSA, Inc. Project. The Borough and developer challenger NJSA, Inc. have entered into an agreement regarding the developer's proposed inclusionary project. The NJSA, Inc. site was zoned via the adoption of the Borough's 2591-26 Ordinance, which was adopted on March 16, 2026, and is part of Exhibit P-4.

P-4: Adopted Overlay and Zoning Ordinances. The Borough Council adopted the following overlay and zoning ordinances on March 16, 2026: (1) 2588-26 Ordinance Establishing Affordable Housing AR-3-Zone, (2) 2589-26 Ordinance Establishing Affordable Housing AH-O Overlay Zone, (3) 2590-26 Ordinance Establishing Affordable Housing AR-4 Zone, and (4) 2591-26 Ordinance Amending CH. 35 Multifamily Standards Within AH-O Zone.

P-5: Spending Plan. Borough adopted a Fourth Round Spending Plan.

P-6: Affordable Housing Ordinance, Mandatory Set-Aside Ordinance and Development Fee Ordinance: On March 16, 2026, the Borough adopted an updated Affordable Housing Ordinance, which contains a Mandatory Set-Aside Ordinance, and a separate updated Development Fee Ordinance.

P-7: Affirmative Marketing Plan: The Borough's Affirmative Marketing Plan was revised to comply with the new UHAC requirements, and was adopted at the Borough Council's March 16, 2026 meeting.

P-8: Administrative Agent Operating Manual: This manual was adopted during the Borough Council's March 16, 2026 meeting.