RESOLUTION OF THE BOROUGH OF MONMOUTH BEACH PLANNING BOARD APPROVING FOURTH ROUND AMENDED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Borough of Monmouth Beach, County of Monmouth, State of New Jersey, (hereinafter, "Borough" or "Monmouth Beach") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations and in fact obtained a Final Round Three Judgment of Compliance and Repose from the Court in the matter captioned In the Matter of the Application of the Borough of Monmouth Beach, County of Monmouth, Superior Court of New Jersey, Law Division, Docket No. MON-L-0002538-15 thereby immunizing the Borough from builder remedy litigation until July 1, 2025 (the "Third Round Litigation") ; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act") establishing the statutory calculation of the state-wide fair share obligation for the Fourth Round of affordable housing for the time period 2025-2035; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide its calculation of every municipality's Fourth Round fair share affordable housing obligations based upon the criteria on the Amended FHA and the DCA issued a report on October 18, 2024 (the "DCA Report") wherein it supplied its calculation of the fair share affordable housing obligation for all municipalities, including the Borough of Monmouth Beach; and

WHEREAS, the DCA Report calculated Monmouth Beach's Fourth Round fair share obligations as follows: Present Need (Rehabilitation) Obligation of 0 units and Prospective Need (New Construction) Obligation of 47 affordable housing units; an

WHEREAS, the Borough Council adopted Resolution 39-25 accepting the DCA calculation of the Borough Fourth Round affordable housing obligation of a Present Need Obligation of 0 units and a Fourth Round Prospective Need obligation of 47 units, subject to the Borough's right to a Vacant Land Adjustment in accordance with N.J.S.A 52:27D-311 of the Amended Act; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24 dated December 13, 2024 and pursuant to that Directive, a municipality seeking a certification of compliance with the Act is required to file a legal action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, the Borough filed a timely declaratory judgment complaint in accordance with AOC Directive #14-24 known as In the Matter of the Application of the Borough of Monmouth Beach, County of Monmouth, State of New Jersey, Docket No. MON-L-000298-25 seeking a declaration as to the Borough's Fourth Round affordable housing obligation and the approval of the Borough's Housing Plan Element and Fair Share Plan ("HESP") which sets forth the affordable housing mechanisms the Borough will implement to satisfy its Fourth Round affordable housing obligation; and

WHEREAS, the Court entered an order on April 14, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 47 units and order the Borough to file a Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, the Borough Planner, Peter Van den Kooy, PP, AICP prepared the Fourth Round HESP dated June 24, 2025 which concludes the Borough of Monmouth Beach is entitled to rely upon a Vacant Land Adjustment resulting in a Fourth Round Realistic Development Potential of 0 affordable housing units and an Unmet Need of 47 units; and

WHEREAS, the Court entered an order on April 14, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 47 units and order the Borough to file a Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, the Planning Board of the Borough of Monmouth Beach, Monmouth County, State of New Jersey, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, conducted a public hearing on June 24, 2025 and adopted the HESP finding it is consistent with the goals and objectives of the of the Borough of Monmouth Beach's Master Plan and also consistent with the Amended FHA satisfying the Borough's constitutional obligation to provide for its fair share of affordable housing.

WHEREAS, Fair Share Housing Center having filed an objection to the Borough's HESP through the Program, and the Borough having engaged in mediation with Fair Share Housing Center through the Program, and the Borough having entered into a Mediation Agreement with Fair Share Housing approved by the Board of Commissioners which requires the Borough to take certain actions, including the adoption of an Amended HESP Housing by no later than March 16, 2026 in accordance with the requirements of the Amended FHA; and

WHEREAS, the Borough Planner, Peter Van den Kooy, PP, AICP prepared the Fourth Round Amended HESP dated March 5, 2026 conforming the Borough's Housing Plan Element and Fair Share Housing Plan to the Borough's affordable housing plan set forth in the Mediation Agreement; and

WHEREAS, the Borough Council of the Borough of Monmouth Beach believes it is in the best interest of the Borough to adopt the Amended HESP in order to obtain compliance certification from the Program/Court thereby protecting the Borough from exclusionary zoning litigation for ten years until 2035; and

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Monmouth Beach, County of Monmouth, State of New Jersey, that the Planning Board hereby adopts the Amended Housing Plan Element and Fair Share Housing Plan dated March 5, 2026 prepared by Peter Van den Kooy, PP, AICP.

Certification

The foregoing is a true copy of a resolution passed by the Planning Board of the Borough of Monmouth Beach at a meeting held on March 5, 2026.Board

Irina Jvarisheishvili-Darrar
Board Secretary
Monmouth Beach Borough

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