

FILED

May 13, 2026

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

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE CITY OF
NEPTUNE, MONMOUTH
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2 (N.J.S.A.
52:27D-304.1, et seq.),**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
MONMOUTH COUNTY
DOCKET NO. MON-L-406-25

Civil Action

Mt. Laurel Program

**CERTIFICATION OF COMPLIANCE
AND REPOSE FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the court on referral from the Affordable Housing Dispute Resolution Program (“the Program”), pursuant to the complaint for declaratory judgment filed on January 29, 2025 (“DJ Complaint”) by the Petitioner, **CITY OF NEPTUNE** (“Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24” or “the Directive”) of the Program, seeking a Certification of Compliance with the FHA;

AND THE COURT, having entered its “*Decision and Order Approving Municipal Housing Element and Fair Share Plan (“HEFSP”) for the Fourth Round Housing Cycle*” on February 24, 2026 (“Approval Order”) for the Municipality to meet and ensure satisfaction of its

previously fixed “present need” obligation of 12 affordable housing units, and “prospective need” obligation of 32 affordable housing units (collectively, the “Fourth Round Affordable Housing Obligation”), and therein authorizing the Municipality to adopt its implementing ordinance(s) to satisfy its Fourth Round Affordable Housing Obligation;

AND IT APPEARING, that the Municipality, upon having given due notice to all interested parties as provided for by the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12, et seq. and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., as required, adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round Housing Element and Fair Share Plan (“HEFSP”), incorporating therein any changes from the Program and this court’s prior order, with those ordinances and resolutions having been adopted on or before March 16, 2026, as required by the FHA;

AND THE COURT, having previously and here again determined that the Municipality’s Fourth Round HEFSP is fair and reasonable to the region’s low- and moderate-income households according to the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), *aff’d o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) and, therefore, approved by the court;

AND THE COURT, having been satisfied and further determined that the Municipality has timely adopted implementing ordinances and resolutions to ensure implementation of its approved Fourth Round HEFSP, incorporating therein any changes from the Program and this court’s prior order(s), and for the satisfaction of its Fourth Round Affordable Obligation, as provided for and in accordance with N.J.S.A. 52:27D-304.1f (2)(c) of the FHA and Section III.A of Directive #14-24 (as amended), and which plan contained the elements set forth in the

“Addendum” attached to Directive #14-24 (as amended), with the exception of several items that need to be addressed, which are set forth below, having thereby qualified for immunity, and for good cause having otherwise been shown:

IT IS on this 13th day of May, 2026, ADJUDGED AND ORDERED, as follows:

1. The approved Fourth Round HEFSP and applicable implementing ordinances and resolutions which were previously filed by the Municipality with the court have been made available for review by all parties and are accepted by the court.

2. The Municipality has provided adequate notice of its proposed and adopted implementing ordinances and resolutions for implementation of its approved Fourth Round HEFSP to the public and all interested parties and in accordance with the court’s prior approval order.

3. The Municipality’s approved Fourth Round HEFSP and constituent compliance mechanisms contained therein, and the implementing ordinances and resolutions, are hereby determined to be fair and reasonable to the interests of the region’s low- and moderate-income households and to represent a realistic opportunity for the provision of affordable housing in accordance with the Mt. Laurel doctrine, and specifically in accordance with the principles set forth in Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), *aff’d o.b.* 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996).

4. The Municipality and those parties implicated or otherwise involved and referenced therein are directed and ordered to proceed to implement the approved Fourth Round HEFSP and approved compliance mechanisms contained therein and in accordance with its terms and the implementing ordinances and resolutions.

5. The Municipality must provide the following documents via filing in ecourts within 60 days of the date of this order, which amendments have been agreed to by the Municipality:

- a. The MU-O zone ordinance will be amended to expressly permit a density of 20 units per acre.
- b. The AHO will be amended to include the rehabilitation program section because Neptune City is allocating trust funds for its rehab program in the Spending Plan.
- c. The Municipality will appoint a Municipal Housing Liaison and an Administrative Agent.

6. The Municipality must provide the following documents via filing in ecourts within 120 days of the date of this order, which amendments have been agreed to by the Municipality:

- a. The Municipality's Administrative Agent will prepare an Affordability Assistance Manual, a Rehabilitation Manual, and an Affirmative Marketing Plan, which will be adopted by Neptune City 30 days after completion.

7. The Municipality's immunity from builder's remedy and/or exclusionary zoning litigation, be, and is hereby continued and shall remain in full force and effect for the Fourth Round period of **July 1, 2025 to June 30, 2035**, subject, however, to revocation or other order of the court that does or may hereafter issue, on notice of motion to the Municipality and all interested parties and good cause shown, at any time during the pendency of the Fourth Round Housing cycle. The Municipality shall cooperate with all monitoring requirements and other requirements previously set forth in the conditional consent order and such other orders that may have been entered in this matter.

8. The court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Municipality's adopted Fourth Round HEFSP.

IT IS FURTHER ORDERED that a copy of this order shall be deemed served on the Municipality and FSHC through their counsel, as well as all other interested parties, upon its posting by the court to the ecourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

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

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. FSHC and the Municipality consent to the entry of this order.

Accordingly, the court hereby **APPROVES** 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