

**PR-26-13**  
**2/24/2026**

**RESOLUTION OF THE OCEAPORT PLANNING BOARD  
ADOPTING AN AMENDMENT TO THE FOURTH ROUND HOUSING ELEMENT  
AND FAIR SHARE PLAN**

**WHEREAS**, the Borough of Oceanport (hereinafter referred to as “Borough” and/or “Oceanport”) has a demonstrated history of voluntary compliance (with Affordable Housing regulations), as evidenced by its Third-Round record;

**WHEREAS**, pursuant to In re. N.J.A.C. 5:96 and 5:97, and 221 N.J. 1 (2015) (the Mount Laurel IV Doctrine), the Borough of Oceanport previously filed a Declaratory Judgment Complaint in the 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-income and moderate-income housing, pursuant to the aforesaid Mount Laurel Doctrine; and

**WHEREAS**, the same culminated 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 or about March 20, 2024, then Governor Murphy signed into law P.L. 2024,C.2, which amended the 1985 Fair Housing Act (hereinafter referred to as 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, establishing its Fourth-Round present need and prospective need; and

**WHEREAS**, in accordance with the amended FHA and the Administrative Office of the Court’s directive #14-24, the Borough timely filed a Fourth Round Declaratory Judgment (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (the “Program”), along with its binding Resolution; and

**WHEREAS**, the filing of the aforesaid DJ Complaint provided the Borough with automatic and continued immunity from all exclusionary zoning lawsuits, including Builder’s Remedy Lawsuits; and

**WHEREAS**, the Borough did not receive any objections to its present and prospective need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the Borough’s Fourth Round obligations; and

**WHEREAS**, the Court previously entered an Order establishing the Borough’s Fourth Round present need of zero (0) and prospective need of sixty-one (61); and

**WHEREAS**, as a result of the above, the FHA required the Municipality to adopt and endorse a Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, pursuant thereto, the Borough’s Affordable Housing Planner drafted a Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, the said Fourth Round Housing Element and Fair Share Plan was adopted by the Oceanport Planning Board on or about May 27, 2025; and

**WHEREAS**, in due course, on or about May 29, 2025, the Fourt Round Housing Element and Fair Share Plan was submitted to the Affordable Housing Dispute Resolution Program (“Program”); and

**WHEREAS**, subsequent thereto, on or about August 29, 2025, Fair Share Housing Center (“FSHC”) filed a challenge (with the Program) against the Borough’s Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, FSHC challenged several aspects of the Borough’s Fourth Round Housing Element and Fair Share Plan, including, the vacant land adjustment, the realistic development potential, and the unmet need mechanisms; and

**WHEREAS**, as a result of the aforesaid challenge, the Borough and FSHC participated in a Mediation Session; and

**WHEREAS**, pursuant to the same, a Mediation Agreement was finalized between the Borough of Oceanport and FSHC; and

**WHEREAS**, a copy of the Mediation Agreement is incorporated herein at length; and

**WHEREAS**, in furtherance thereof, the Borough’s Affordable Housing Planner (and/or agents thereof) prepared an amendment to the Housing Element and Fair Share Plan (which was previously adopted on or about May 27, 2025); and

**WHEREAS**, as amended, the Housing Element and Fair Share Plan implements and incorporates the changes identified and agreed upon in the aforesaid Mediation Agreement with FSHC; and

**WHEREAS**, the amendments to the Housing Element and Fair Share Plan generally include the following:

- A. Some clarifications and some non-substantive changes;

- B. An increase in the number of Units proposed for the Habitat for Humanity Project (from approximately six (6) Units to approximately eight (8) Units);
- C. A change to the Unit crediting for the Oceanport Gardens Complex;
- D. Other changes identified, in **bold**, within the text of the attached Amendment to the Housing Element and Fair Share Plan; and

**WHEREAS**, in accordance with the amended FHA, as indicated, the Borough's Affordable Housing Planner drafted an Amendment to the Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, the Amendment to the Fourth Round Housing Element and Fair Share Plan has been on file and available for public inspection at least ten (10) days prior to February 24, 2026; and

**WHEREAS**, upon Notice duly provided pursuant to N.J.S.A. 40:55D-13, on February 24, 2026, the Oceanport Planning Board held a Public Hearing on the Amendment to the Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, the said Public Hearing was advertised and Noticed in accordance with prevailing requirements of New Jersey Law; and

**WHEREAS**, at the said Hearing, the Board Representatives formally presented information to the Oceanport Planning Board; and

**WHEREAS**, at the said Hearing, the following items were officially marked into the record as Evidence:

Public Notice advising as to the Public Hearing date regarding the Amendment to the Housing Element and Fair Share Plan, introduced into Evidence as B-1;

Confirmation that Notice of the Public Hearing was timely forwarded to the adjacent Municipal Clerks, collectively introduced into Evidence as B-2;

Confirmation that the Public Notice and Plan was timely filed with the Monmouth County Planning Board, introduced into Evidence as B-3;

Confirmation that the Public Notice and Amendment to the Plan were timely forwarded to the Office of Public Advocacy, introduced into Evidence as B-4;

Affidavit of Publication from the Asbury Park Press, confirming that the Public Hearing was timely published, introduced into Evidence as B-5;

Affidavit of Publication from the Two River Times confirming that the Public Notice was timely filed, introduced into Evidence as B-6;

Certification of the Board Secretary as to compliance with all prevailing Public Notice requirements associated with the Amendment to the Fourth Round Housing Element and Fair Share Plan, introduced into Evidence as B-7;

Mediation Agreement (between the Borough of Oceanport and the Fair Share Housing Center);

Fourth Round Amendment to the Housing Element and Fair Share Plan, prepared by Kendra Lelie, P.P., A.I.C.P., L.L.A., dated February 2026;

**WHEREAS**, at the said Hearing, and during prior Public Hearings, the Borough's Affordable Housing Representatives essentially discussed and explained items which included, but were not necessarily limited to, the following:

- A. The general Affordable Housing process;
- B. The general Affordable Housing methodology for establishing Affordable Housing obligations;
- C. The method by which Affordable Housing rules and regulations are established, satisfied, and enforced;
- D. Unique factors affecting the Borough of Oceanport, and how the same impact/affect Affordable Housing obligations;
- E. The income limitations/restrictions associated with the Affordable Housing regulations;
- F. The impact of available land (vacant land) for development purposes, and how the same can affect Affordable Housing requirements;
- G. A discussion of rehabilitation of Units, and obligations associated therewith;

- H. The satisfactory performance of prior Round obligations, and/or open issues associated therewith;
- I. The Affordable Housing Trust Fund/Spending Plans, and limitations/obligations associated therewith;
- J. The nature of Deed Restrictions associated with the creation of Affordable Housing Units;
- K. The income qualifications/verification/lottery process associated with Affordable Housing regulations/placement;
- L. The Court-authorized review of the Affordable Housing obligations associated with the newly named body (the Program);
- M. The obligations/timeframes associated with general Affordable Housing obligations;
- N. The potential to receive surplus credits associated with Affordable Housing obligations;
- O. The importance of inserting Affordable Housing Conditions in any Approval of the Borough's Land Use Board;
- P. The Borough's unmet housing need, and how the same has historically been calculated;
- Q. A general discussion on redevelopment/development potential;
- R. The consequences of failing to timely satisfy Affordable Housing requirements;
- S. The benefits associated with timely filing and satisfaction of prevailing Affordable Housing requirements; and
- T. The role of the Borough of Oceanport in establishing and maintaining Affordable Housing regulations;
- U. The role of the Oceanport Planning Board in the Affordable Housing Process;
- V. The timing obligations associated with Fourth Round elements associated with Affordable Housing regulations; and
- W. The Amendment to the Fourth Round Housing Element and Fair Share Plan.

**WHEREAS**, during the Public Hearing process, members of the public were presented with an opportunity to ask questions and/or make comments relative to the Affordable Housing process, and the proposed Amendment to the Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, during the aforesaid Public Hearing process, sworn public comments/questions/statements were presented by the following:

NONE.

**WHEREAS**, after review and analysis, the Planning Board determined that the attached Amendment to the Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough's current Master Plan; and

**WHEREAS**, at the aforesaid Public Hearing, the Planning Board determined that the adoption and implementation of the Amendment to the Fourth Round Housing Element and Fair Share Plan advances the public interest, protects public health and safety, and promotes the general welfare; and

**WHEREAS**, during the aforesaid Public Hearing process the Planning Board Members determined that adoption of the aforesaid Amendment to the Fourth Round Housing Element and Fair Share Plan will help fulfill the intent and purpose of the prevailing Affordable Housing regulations; and

**WHEREAS**, during the aforesaid Public Hearing, the Planning Board has determined that adoption of the Amendment to the Fourth Round Housing Element and Fair Share Plan will provide the Borough of Oceanport with protection from Builder's Remedy Lawsuits, and other remedies otherwise available as a result of non-compliance with the prevailing regulations; and

**WHEREAS**, for other good cause having been shown;

**NOW, THEREFORE, BE IT RESOLVED**, by the Members of the Oceanport Planning

Board as follows:

1. The Oceanport Planning Board hereby adopts the Amendment to the Fourth Round Housing Element and Fair Share Plan, prepared by Kendra Lelie, P.P., dated February of 2026, which is attached hereto.
2. That a true copy of the within Resolution shall be forwarded to the following:
  - a) Mayor and Council of the Borough of Oceanport;
  - b) Administrator Borough of Oceanport;
  - c) Borough Clerk of the Borough of Oceanport;
  - d) Borough of Oceanport Affordable Housing Attorney;
  - e) Borough of Oceanport Affordable Housing Planner;
  - f) Monmouth County Planning Board;
  - g) The Office of the Public Advocacy/New Jersey Department of Community Affairs; and
  - h) Adjacent Municipal Entities; and
  - i) Any other individual/entity who/which is statutorily entitled to Notice of the aforesaid adoption.
3. That a true copy of the within Resolution shall be forwarded to the Court-Sanctioned Affordable Housing Program.

Ms. Barham-Widdis made a Motion to adopt the Amendment to the Housing Element and Fair Share Plan.

Mr. Padula seconded the said Motion.

IN FAVOR: Mr. Foster, Councilwomen Cooper, Ms. Barham-Widdis, Mr. Davis, Mr. Kahle, Chairman Whitson, Mr. Padula, Mr. Verdi

AGAINST:

ABSTENTIONS:

Ms. Barham-Widdis made a Motion to adopt the Resolution adopting an Amendment to the Fourth Round Housing Element and Fair Share Plan.

Mr. Padula made seconded the Motion to adopt the Resolution adopting an Amendment to the Fourt Round Housing Element and Fair Share Plan.

FOR THE RESOLUTION: Mr. Foster, Councilwomen Cooper, Ms. Barham-Widdis, Mr. Davis, Mr. Kahle, Chairman Whitson, Mr. Padula, Mr. Verdi

AGAINST THE RESOLUTION:

ABSTENTIONS:

*I hereby certify that the foregoing is a true copy of a Resolution adopted by the Oceanport Planning Board at its meeting held on the 24<sup>th</sup> day of February, 2026.*

*Stephanie Kramer*  
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Stephanie Kramer, Planning Board Secretary

KEK/cmp/gf  
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