

**FILED**

**May 5, 2026**

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

**PREPARED BY THE COURT:**

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE BOROUGH  
OF SEA BRIGHT,  
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-297-25

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 23, 2025 (“DJ Complaint”) by the petitioner, **BOROUGH OF SEA BRIGHT** (“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 an order on April 1, 2025 establishing the Municipality’s present need as 0 units and its prospective need as 46 affordable units, and the Municipality having filed with the court on June 12, 2025 a Housing Element and Fair Share Plan

(“HEFSP”) to accommodate these units, and Fair Share Housing Center (“FSHC”) having filed a challenge to the Municipality’s HEFSP requesting additional information from the Municipality on the HEFSP, and the Municipality and FSHC having addressed between themselves the outstanding issues raised in FSHC’s challenge;

**AND NO SUBSTANTIVE OPPOSITION HAVING BEEN FILED** by any challenger with the court after the June 12, 2025 HEFSP was filed by the Borough of Sea Bright, but rather the only challenge having been filed by FSHC, and that challenge requesting only that additional documentation be provided by the Municipality; and it appearing from correspondence filed with the court that the additional documentation was provided by the Municipality to FSHC;

**AND THE MUNICIPALITY**, having filed in ecourts on March 25, 2026 the ordinance(s) and resolution(s) adopted by the Municipality in furtherance of the Municipality’s plan to put into place the Municipality’s Round IV Mount Laurel HEFSP;

**AND THE COURT**, having issued a notice in ecourts on Tuesday, April 7, 2026 requesting that if any objection existed to issuance of an order of compliance for Round IV, the court be notified of such objection by Thursday, April 9, 2026, and the court having been advised by FSHC that certain outstanding issues remained, and FSHC having advised the court that no objection remained on the part of FSHC to issuance of a conditional compliance certification by the court, with the exception of certain conditions;

**AND THE MUNICIPALITY**, having adopted prior to March 16, 2026 the ordinance(s) and resolution(s) necessary to implement the Municipality’s Round IV affordable housing plan, and the Municipality having filed those ordinance(s) and resolution(s) with the court;

**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, having adopted implementing ordinance(s) and resolution(s) to provide for its approved Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by or before March 16, 2026, and having filed those ordinance(s) and resolution(s) with the court;

**AND THE COURT**, having 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), the court finds that the HEFSP should be and is 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 5th day of May, 2026, ADJUDGED AND ORDERED**, as follows:

1. The approved Fourth Round HEFSP and applicable implementing ordinances and resolutions have been provided to all parties with the opportunity to review same and are accepted by the court.

2. The Municipality has provided adequate notice of its proposed and adopted Implementing Ordinances & Resolutions for implementation of its approved Fourth Round HEFSP to the public and all interested parties.

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 90 days of the date of this order, which has been agreed to by the Municipality:

- a. The Municipality will produce and adopt a Fourth Round compliant affirmative marketing plan and affordability assistance manual.
- b. The Municipality will amend its Spending Plan.

6. 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.

7. 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 through the Municipality's counsel, counsel for FSHC, and any other parties to this matter 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** 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*