

# **BOROUGH OF SPRING LAKE HEIGHTS**

## **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH SPRING LAKE HEIGHTS ENDORSING FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**Resolution No. R2025-134**

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**WHEREAS**, the Borough of Spring Lake Heights, County of Monmouth, State of New Jersey, (hereinafter, "Borough" or "Spring Lake Heights") 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 on July 18, 2019 from the Court in the matter captioned In the Matter of the Application of the Borough of Spring Lake Heights, County of Monmouth, Superior Court of New Jersey, Law Division, Docket No. MON-L-1916-21 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 Spring Lake Heights; and

**WHEREAS**, the DCA Report calculated Spring Lake Heights's Fourth Round affordable housing obligations as follows: Present Need (Rehabilitation) Obligation of 35 and a Fourth Round Prospective Need (New Construction) Obligation of 44 affordable housing units; an

**WHEREAS**, the Borough Council adopted Resolution 2025-056 accepting the DCA calculation of the Borough Fourth Round affordable housing obligation of a Present Need Obligation of 35 units and a Fourth Round Prospective Need obligation of 44 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 Spring Lake Heights, County of Monmouth, State of New Jersey, Docket No. MON-L-000436-25 seeking a declaration as to the Borough's Fourth Round affordable housing obligation and the approval of the Borough's Housing 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 Amended FHA requires municipalities to adopt a Housing Element and Fair Share Plan ("HESP") by June 30, 2025 setting forth the Borough's affordable housing obligation and the mechanisms the Borough will establish to meet its constitutional obligation to provide for its fair share of affordable housing in order to maintain immunity from builder's remedy obligation; and

**WHEREAS**, the Borough Planner, Jennifer C. Beahm, PE, AICP prepared the Fourth Round Housing Element & Fair Share Housing Plan dated June 11, 2025, which concludes the Borough of Spring Lake Heights is entitled to rely upon a Vacant Land Adjustment resulting in a Realistic Development Potential of zero affordable housing units with an Unmet Need of 44 affordable housing units; and

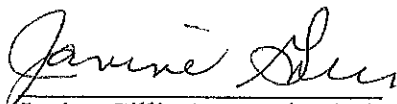
**WHEREAS**, the Land Use Board of the Borough of Spring Lake Heights, Monmouth County, State of New Jersey, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, held a public hearing on the Housing Element & Fair Share Housing Plan prepared by Jennifer C. Beahm on June 11, 2024 and considered the sworn testimony of Christine Bell, PP, AICP the hearing; and

**WHEREAS**, the Borough Land Use Board adopted a Resolution dated June 11, 2025 approving the Housing Element and Fair Share Plan; and

**WHEREAS**, the Borough Council of the Borough of Spring Lake Heights believes it is in the best interest of the Borough to endorse the Housing Element and Fair Share Plan to obtain compliance certification from the Program/Court thereby protecting the Borough from exclusionary zoning litigation until July 1, 2035.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Spring Lake Heights, County of Monmouth, State of New Jersey, that it hereby endorses the Housing Element & Fair Share Housing Plan dated June 16, 2025 prepared by Borough Planner Jennifer C. Beahm, PP, AICP

**ADOPTED: June 16, 2025**

  
Janine Gillis, Borough Clerk