

**RESOLUTION  
OF THE TOWNSHIP OF UPPER FREEHOLD ENDORSING FOURTH  
ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Township of Upper Freehold has a demonstrated history of voluntary compliance as evidenced by its Third-Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Township of Upper Freehold filed a Declaratory Judgment Complaint in Superior Court, Law Division, under Docket No. Mon-L-2536-15, seeking, among other things, a judicial declaration that is Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, that culminated in 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 Township of Upper Freehold continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “amended FHA”); and

**WHEREAS**, the Township of Upper Freehold adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 23, 2025, establishing its Fourth Round Present Need and 0 and Prospective Need of 22; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Township of Upper Freehold filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“Program”), along with its binding resolution, on January 24, 2025, under Docket No. Mon-L-319-25; and

**WHEREAS**, the filing of the DJ Complaint gave the Township of Upper Freehold an automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the Township of Upper Freehold did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the Township of Upper Freehold ’s Fourth Round obligations on March 1, 2025; and

**WHEREAS**, on April 1, 2025, the Court entered an order establishing the Township of Upper Freehold’s Fourth Round Present Need of 15 and Prospective Need of 70; and

**WHEREAS**, now that the Township of Upper Freehold has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

**WHEREAS**, in accordance with the Amended FHA, the Township of Upper Freehold's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, the Planning Board of the Township of Upper Freehold held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 12, 2025 and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

**WHEREAS**, the Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024, which stated that the Fourth Round Housing Element and Fair Share Plan should be endorsed by the municipal governing body; and

**WHEREAS**, the Township Committee of the Township of Upper Freehold wishes to endorse the Fourth Round Housing Element and Fair Share Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper Freehold, County of Monmouth, State of New Jersey, as follows:

1. The Township Committee hereby endorses the Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the Township's Planning Board on June 12, 2025 .

2. The Township Committee hereby directs the Township's Affordable Housing Counsel to (a) file with the Program and the Court, the Fourth Round Housing Element and Fair Share Plan if it has not done so already, along with any additional documents the professionals deem necessary or desirable and (b) seek Program and Court approval of the Fourth Round Housing Element and Fair Share Plan via a Compliance Certification.

3. The Township Committee reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.

I hereby Certify that the above resolution was adopted by the Township Committee of the Township of Upper Freehold at its regularly scheduled open public meeting of June 19, 2025.

/s/ DANA TYLER

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Dana Tyler, R.M.C.  
Township Clerk