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March 12, 2026

VIA eCOURTS

Honorable Linda Grasso Jones, J.S.C.

Monmouth County Courthouse
71 Monument Street, Floor 2
Freehold, New Jersey 07728

RE: In the Matter of the Application of the Township of Wall
Docket No. MON-L-441-25

Dear Judge Jones,

This Firm represents the Township of Wall as Special Affordable Housing Counsel. In accordance with the requirement in Paragraph 2 of the Court's February 24, 2026 Case Management Order in the above matter, attached please find a resolution adopted by the Wall Township Committee on March 10, 2026, committing to adopt an Amended Fourth Round Housing Element and Fair Share Plan, along with all required implementing resolutions and ordinances, following the resolution of the current disputes between the Township and the challengers to the Township's August 2025 Fourth Round Housing Element and Fair Share Plan. The adoption and submission of this order satisfies the Fair Housing Act at Section 304.1(f)(2)(d) and the Court's February 24, 2026 Case Management Order.

I thank Your Honor for your continued time and attention to this matter.

Respectfully submitted,



Erik C. Nolan

ECN/sp
Enclosure

cc: Frank Banisch, PP, Special Adjudicator (*via email*)

All attorneys of record (*via ecourts*)

TOWNSHIP OF WALL

RESOLUTION NO. 26-0311

AUTHORIZATION TO COMMIT TO ADOPT AN AMENDED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN, ALONG WITH IMPLEMENTING RESOLUTIONS AND ORDINANCES, IN ACCORDANCE WITH THE MARCH 15, 2026 DEADLINE CREATED BY THE FAIR HOUSING ACT

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, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”) and the Court on January 31, 2025; and,

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

WHEREAS, after challenging the Fourth-Round affordable housing obligation numbers assigned to the Township by the Department of Community Affairs (“DCA”), the Township and Fair Share Housing Center (“FSHC”) entered into a Mediation Agreement, which set the Township’s Fourth Round Rehabilitation Obligation at 224 and Fourth Round Prospective Need Obligation at 650; and,

WHEREAS, the Township filed a motion for a 60-day extension of the June 30, 2026 deadline to file a Fourth Round Housing Element and Fair Share Plan (“Fourth Round Plan”), which was granted by the Court, and,

WHEREAS, in accordance with the Court Order granting the Township’s extension motion, the Township timely submitted its Fourth Round Plan to the Program and the Court for review in August of 2025; and,

WHEREAS, the Township received challenges to the Township in October of 2025 from FSHC, JSM at Schoolhouse Road, LLC, American Properties Development Group, LLC, Genesis, Inc., Somerset Development, LLC, Toll Brothers, Inc., Woodlands Properties LLC/ Bloomfield Ventures LLC (“Challengers”); and,

WHEREAS, the Amended FHA envisions a grant or denial of a final Fourth Round Compliance Certification by the Program on or before December 31, 2025 (N.J.S.A. 52:27D-304.1(f)(2)(b)); and,

WHEREAS, the Program did not start the Amended FHA required mediation process until a first Settlement Conference was held between the Township and the challengers on December 17, 2025, two weeks before the December 31, 2025 deadline; and,

WHEREAS, before any settlements between the Township and the Challengers could be achieved, the Program issued an Order on December 30, 2025, transferring management of the Township's case to the Trial Court, which left all of the challenges unresolved; and,

WHEREAS, as a result of the foregoing, there was clearly "a continuing dispute over the issuance of compliance certification" on December 31, 2025; and,

WHEREAS, the Trial Court held a Case Management Conference and issued a Case Management Order on January 15, 2026, and continued the mediation process between the Township and the Challengers started under the Program; and,

WHEREAS, the Amended FHA set a deadline of March 15, 2026 for all municipalities to file adopted implementing resolutions and ordinances to their Fourth-Round plans or face revocation of their immunity from exclusionary zoning lawsuits; and,

WHEREAS, the Amended FHA also allows for the March 15, 2026 deadline to be extended, and for immunity to continue, as follows:

The program may permit a municipality that still has a remaining dispute by interested parties to retain immunity from exclusionary zoning litigation into the year following the year in which a new round begins if the program, or county-level housing judge, determines that the municipality has been unable to resolve the issues disputed despite being determined to come into constitutional compliance... As an alternative to adopting all necessary implementing ordinances and resolutions by the March 15 deadline, a municipality involved in a continuing dispute over the issuance of compliance certification may adopt a binding resolution by this date to commit to adopting the implementing ordinances and resolutions following resolution of the dispute, with necessary adjustments to reflect the resolution of the dispute.

N.J.S.A. 52:27D-304.1(f)(2)(d)

WHEREAS, the Trial Court issued a second Case Management Order on February 24, 2026, which required the following regarding the March 15, 2026 deadline:

3. Wall Township will adopt a resolution by March 16, 2026 in accordance with the FHA and Directive #14-24 (as amended) expressing the Township's intention to adopt a compliant HEFSP. Wall Township is granted continued immunity from exclusionary zoning litigation subject to adoption of such an ordinance by the Township.

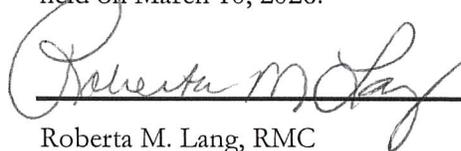
4. Failure to meet the March 16, 2026 deadline shall preclude the Court's ultimate issuance of a Certification of Compliance and Repose as required by the FHA and Directive #14-24 (as amended), and thereby result in the Municipality losing immunity from exclusionary zoning litigation.

WHEREAS, the Township intends to adopt an Amended Fourth Round Plan, as well as all of its implementing resolutions and ordinances, after all disputes before the Trial Court in the Township's Fourth Round Declaratory Judgment Action are resolved; and,

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

1. As per the Fair Housing Act as amended and the Court's February 24, 2026 Case Management Order, by adopting this binding resolution the Township Committee hereby commits to adopt an Amended Fourth Round Housing Element and Fair Share Plan, along with all required implementing resolutions and ordinances, following the resolution of the current disputes between the Township and challengers to the Township's August 2025 Fourth Round Housing Element and Fair Share Plan, with necessary adjustments to be made to reflect the resolution of the disputes.
2. The Township Committee hereby directs the Township's Affordable Housing Counsel to continue to seek Court approval of the Fourth Round Housing Element and Fair Share Plan, as will be amended, via a Compliance Certification, and to take whatever actions are necessary to maintain the Township's immunity from all Mount Laurel exclusionary zoning lawsuits.

I, Roberta M. Lang, Township Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting, located at 2700 Allaire Road, Wall, NJ 07719, held on March 10, 2026.



Roberta M. Lang, RMC
Township Clerk