

**RESOLUTION #173-2025****RESOLUTION OF THE COUNCIL OF THE BOROUGH OF BEACH HAVEN ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE BEACH HAVEN LAND USE BOARD**

**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 "FHA II"); and

**WHEREAS**, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan ("HEFSP"); and

**WHEREAS**, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025 and filing that plan within 48 hours with the Affordable Housing Dispute Resolution Program (the "Program"); and

**WHEREAS**, in accordance with this statutory procedure, the Borough adopted a binding resolution on January 13, 2025 committing to a Fourth Round Present Need of 1 and Round 4 Prospective Need obligation of 48, subject to applicable adjustments;

**WHEREAS**, in accordance with this statutory procedure, the Borough filed a declaratory relief action within 48 hours from adoption of the binding resolution; and

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

**WHEREAS**, the Borough's affordable housing planning consultant, Frank Little, PP has prepared a HEFSP to address the Borough's affordable housing obligations under FHA II; and

**WHEREAS**, the Beach Haven Borough Land Use Board adopted a HEFSP prepared by Mr. Little on June 23, 2025, which is attached hereto as Exhibit A; and

**WHEREAS**, in accordance with the procedure established by FHA II, the Borough's affordable housing counsel filed the duly adopted HEFSP with the Program created by FHA II within 48 hours from adoption; and

**WHEREAS**, the Borough Council now wishes to endorse the Housing Element and Fair Share Plan adopted by the Beach Haven Land Use Board and seek approval of the HEFSP by the Program and Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, as follows:

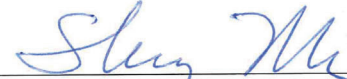
1. The Borough Council hereby endorses the Fourth Round HEFSP previously adopted by the Beach Haven Land Use Board and attached hereto.
2. The Borough Council hereby directs the Borough's Affordable Housing Counsel to (a) file this resolution with the Program, along with any additional documents the professionals deem necessary or desirable; and (b) seek a Compliance Certification from the Program or Vicinage area judge as may be appropriate formally approving the Plan.
3. The Borough reserves the right to further amend the HEFSP attached hereto, should that be necessary.



CERTIFICATION

I, Sherry Mason, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing resolution was duly adopted by the Municipal Council of the Borough of Beach Haven at a public meeting held on the day 26<sup>th</sup> day of June 2025, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 26<sup>th</sup> day of June 2025.

  
\_\_\_\_\_  
Sherry Mason, RMC, CMR, MMC  
Municipal Clerk

APPROVED: \_\_\_\_\_

6/26/25