



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2025-1X

ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN FOR ROUND FOUR

WHEREAS, the Borough of Highlands (hereinafter the “Borough” or “Highlands”) has a demonstrated history of voluntary compliance as evidenced by the entry of a Judgment of Repose, dated May 22, 2020, approving the Borough’s Housing Element and Fair Share Plan for Round 3; Third Round record; and

WHEREAS, in March of 2024, Governor Murphy signed an amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, for ease in reference, this resolution shall refer to the Fair Housing Act as amended as “FHA II”; and

WHEREAS, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan and secure immunity from exclusionary zoning litigation, including builder’s remedy litigation, in the process; 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 Housing Element and Fair Share Plan by June 30, 2025 and filing that plan within 48 hours from adoption with the Affordable Housing Dispute Resolution Program (the “Program”); and

WHEREAS, the Borough adopted a resolution by January 31, 2025 committing to a fair share number and filed a declaratory relief action within 48 hours from adoption of that resolution; and

WHEREAS, the Borough asked its affordable housing planning consultant, Susan Gruel P.P., of Heyer Gruel Associates, to prepare a Housing Element and Fair Share Plan (hereinafter “HEFSP”) to address the Borough’s affordable housing obligations under FHA II; and

WHEREAS, the Borough now wishes for the Highlands Land Use Board to consider adopting the HEFSP prepared by Ms. Gruel, P.P. and the file the duly adopted HEFSP with the Program within 48 hours; and

WHEREAS, Susan Gruel P.P., also prepared a Spending Plan, which shows how much money the Borough has in its affordable housing trust fund; how much it anticipates receiving by June 30, 2035 and how it plans to spend trust fund money in accordance with FHA II and applicable law and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Land Use Board scheduled a public hearing on the HEFSP for June 12 at 7:00 p.m. at Municipal Building, 151 Navesink Ave Highlands, New Jersey 07732; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Land Use Board published a notice of this public hearing in the Borough's official newspaper at least ten days before the scheduled date for the public hearing and served a copy of this notice upon the clerks of all municipalities adjoining the Borough, upon the clerk of the County Land Use Board, and upon the New Jersey Office of Planning Advocacy; and

WHEREAS, a copy of the HEFSP and the Spending Plan was placed on file with the Land Use Board Secretary and was available for public review at least ten days before the scheduled date for the public hearing; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board held a public hearing on the Housing Element and Fair Share Plan on June 12, 2025; and

WHEREAS, at the public hearing, Susan Gruel, PP, AICP provided professional planning testimony regarding the HEFSP and the Spending Plan; and the Board provided members of the public with the opportunity to provide their comments about the HEFSP and the Spending Plan.

WHEREAS, the Land Use Board determined that the attached HEFSP is consistent with the goals and objectives of the current Master Plan of the Borough of Highlands, and that adoption and implementation of the plan is in the public interest and protects public health and safety and promotes the general welfare.

WHEREAS, the Land Use Board determined that the Spending Plan represents an appropriate means of advancing the HEFSP.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of Highlands, County of Monmouth, State of New Jersey, that the Land Use Board hereby adopts the HEFSP and Spending Plan attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board hereby directs the affordable housing attorney for Highlands Borough to file the duly adopted HEFSP and Spending Plan with the Program.

BE IT FURTHER RESOLVED by the Land Use Board hereby directs the affordable housing attorney for Highlands Borough to present the duly adopted HEFSP to the Borough for endorsement and to present the Spending Plan to the Borough for adoption.

BE IT FURTHER RESOLVED that Affordable Housing Counsel is authorized to pursue approval of the HEFSP and Spending Plan and to submit such additional documents as may be necessary or desirable in an effort to secure such approval.

Chairman of the Land Use Board

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Land Use Board of the Highlands at a regular meeting held on the 12th day of June 2025.

Land Use Board Secretary