



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 25-141

ENDORISING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE HIGHLANDS LAND USE BOARD AND ADOPTING THE SPENDING PLAN

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

WHEREAS, that procedure contemplated that municipalities would adopt a binding 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 from adoption of the Plan with the Affordable Housing Dispute Resolution Program (the "Program"); and

WHEREAS, FHA gave municipalities immunity from exclusionary zoning litigation, including builder's remedy lawsuits, to any municipality that complied with these procedures; and

WHEREAS, in accordance with this statutory procedure, the Borough adopted a binding resolution on January 15, 2025 committing to a Present Need of 0 and Round 4 Prospective Need obligation of 30, subject to applicable adjustments;

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

WHEREAS, the Borough requested that its affordable housing planning consultant, Susan Gruel P.P., of Heyer, Gruel, & Associates prepare a HEFSP to address the Borough's affordable housing obligations under FHA II; and

WHEREAS, Ms. Gruel, PP, prepared a HEFSP and the Highlands Borough Land Use Board adopted the HEFSP on June 12, 2025, which is attached hereto as Exhibit A; and

WHEREAS, Ms. Gruel, PP, 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, the Highlands Borough Land Use Board adopted the Spending Plan on June 12, 2025, which is attached hereto as Exhibit B; 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 within 48 hours from adoption; and

WHEREAS, the Borough’s Affordable Housing Counsel also filed the Spending Plan with the Program created within 48 hours from adoption; and

WHEREAS, the Borough Council now wishes to endorse the HEFSP adopted by the Highlands Land Use Board and seek approval of the HEFSP by the Program and Court; and

WHEREAS, the Borough Council also wishes to adopt the Spending Plan adopted by the Highlands Land Use Board and seek approval of same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

- 1. The Borough Council hereby endorses the HEFSP previously adopted by the Highlands Land Use Board and attached hereto as Exhibit A.
- 2. The Borough Council hereby adopts the Spending Plan previously adopted by the Highlands Land Use Board and attached hereto as Exhibit B.
- 3. 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.
- 4. The Borough reserves the right to further amend the HEFSP and Spending Plan attached hereto, should that be necessary.

Motion to Approve R 25-141:

	INTRODUCE	SECOND	AYE	NAY	RECUSE	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF VOTE: June 18, 2025

Nancy Tran, Municipal Clerk
Borough of Highlands