

**RESOLUTION APPROVING SPENDING PLAN**

**WHEREAS**, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter “Amended FHA” or the “Act”); and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs (“DCA”) to provide an estimate of the Present Need, also referred to as the rehabilitation obligation, and the Round 4 Prospective Need of all municipalities by October 20, 2024 based upon the criteria on the Amended FHA; and

**WHEREAS**, the Borough filed a timely declaratory judgment complaint in accordance with AOC Directive #14-24 known as In the Matter of the Application of the Borough of Tinton Falls County of Monmouth, State of New Jersey, Docket No. MON-L-000296-25 seeking a declaration as to the Borough’s Fourth Round affordable housing obligation and the approval of the Borough’s Housing Element and Fair Share Plan (“HESP”) which sets forth the affordable housing mechanisms the Borough will implement to satisfy its Fourth Round affordable housing obligation; and

**WHEREAS**, the Court entered an order on April 14, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 413 units and a Prospective Need of 203 units and order the Borough to file a Housing Element and Fair Share Plan by June 30, 2025; and

**WHEREAS**, the Borough having filed its Housing Element and Fair Share Plan on May 29, 2025 (the “HEFSP”); and

**WHEREAS**, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 31, 2025; and

**WHEREAS**, the Court having entered into an Order requiring the Borough to adopt Fourth Round implementing ordinances and resolutions, including the approval of the Affordable Housing Trust Fund Spending Plan in conformance with the Amended FHA by March 16, 2026; and

**WHEREAS**, the Borough Council of the Borough of Tinton Falls believes it is in the best interest of the Borough to adopt the Affordable Housing Trust Fund Spending Plan in order to obtain compliance certification from the Court thereby protecting the Borough from exclusionary zoning litigation for ten years until 2035; and

**NOW, THEREFORE, BE IT RESOLVED** By The Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey, that it hereby approves the Affordable Housing Trust Fund Spending Plan dated May 16, 2025 and the Borough shall expend the funds in its Affordable Housing Trust Fund in conformance with the Spending Plan.

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Michael J. Nesci, Council President

BOROUGH OF TINTON FALLS COUNCIL

<b>Council Member</b>	<b>Moved</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Mr. Alessi						
Ms. Buckley						
Mr. Neis						
Mr. Parikh						
Mr. Nesci						

**CERTIFICATION**

I, Michelle Hutchinson, Borough Clerk of the Borough of Tinton Falls, hereby certify the foregoing to be a true copy of a resolution adopted by the Tinton Falls Borough Council at their meeting held March 16, 2026. WITNESS, my hand and the seal of the Borough of Tinton Falls this 16<sup>th</sup> day of March 2026.

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Michelle Hutchinson  
Borough Clerk