

**RESOLUTION AUTHORIZING EXTENSION OF AFFORDABILITY CONTROLS**

**WHEREAS**, the Borough of Tinton Falls , County of Monmouth, State of New Jersey, (hereinafter, "Borough" or "Tinton Falls ") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations and in fact obtained a Final Round Three Judgment of Compliance and Repose on July 18, 2019 from the Court in the matter captioned In the Matter of the Application of the Borough of Tinton Falls , County of Monmouth, Superior Court of New Jersey, Law Division, Docket No. MON-L-2475-15 thereby immunizing the Borough from builder remedy litigation until July 1, 2025 (the "Third Round Litigation") ; and

**WHEREAS**, the DCA Report calculated Tinton Falls Fourth Round affordable housing obligations as follows: Present Need (Rehabilitation) Obligation of 419 units and a Fourth Round Prospective Need (New Construction) Obligation of 219 affordable housing units; an

**WHEREAS**, the Borough Council adopted Resolution 25-031 rejecting the DCA calculation of the Borough Fourth Round prospective need affordable housing obligation of 219 units, subject to the Borough's right to a Vacant Land Adjustment in accordance with N.J.S.A 52:27D-311 of the Amended Act; and

**WHEREAS**, the Borough engaged in court ordered mediation with Fair Share Housing Center and entered into an agreement to resolve its Fourth-Round prospective need obligation at 203 units; and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24 dated December 13, 2024 and pursuant to that Directive, a municipality seeking a certification of compliance with the Act is required to file a legal action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; 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 Amended FHA requires municipalities to adopt a Housing Plan Element and Fair Share Plan ("HESP") by June 30, 2025 setting forth the Borough's affordable housing obligation of 203 affordable housing units and the mechanisms the Borough will implement to meet its constitutional obligation to provide for its fair share of affordable housing in order to maintain immunity from builder's remedy obligation; a

**WHEREAS**, the Borough Planner, Jennifer C. Beahm, PP, AICP prepared a HESP establishing the Borough of Tinton Falls is entitled to rely upon a Vacant Land Adjustment resulting in a Realistic Development Potential of 31 affordable housing units with an Unmet Need of 172 affordable housing units; and

**WHEREAS**, the Borough Planning Board adopted a Resolution dated May 28, 2025 approving the Housing Plan Element and Fair Share Plan and the Borough Council adopted a Resolution endorsing the Housing Element and Fair Share Plan, which in part, included the extension of affordability controls as a compliance mechanism to meet the Borough's Fourth Round prospective need obligation; and

**WHEREAS**, the Borough Council of the Borough of Tinton Falls believes it is in the best interest of the Borough authorize the Deed Extension Program in order to ensure the previously approved affordable housing units within the Borough remain in the Borough's inventory of affordable housing and to limit the amount of new development arising from the Borough's Fourth Round affordable housing in order to obtain compliance certification from the Court thereby protecting the Borough from exclusionary zoning litigation until July 1, 2035.

**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 authorizes the Borough to pay the unit owners eligible for the deed extension program the amount authorized by the applicable Uniform Housing Affordability Controls, N.J.A.C 5:8026-1 et. seq., as amended.

**BE IT FURTHER RESOLVED THAT** the Mayor, Business Administrator, and Borough's Special Counsel are hereby authorized to execute any and all documents required to effectuate and implement the Deed Extension Program.

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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 February 3, 2026.

WITNESS, my hand and the seal of the Borough of Tinton Falls this 3<sup>rd</sup> day of February 2026.

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Michelle Hutchinson  
Borough Clerk