

RESOLUTION 2026-74

RESOLUTION ENDORSING THE AMENDED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND AUTHORIZING AND DIRECTING SUBMISSION OF THE PLAN TO THE SUPERIOR COURT, LAW DIVISION

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

WHEREAS, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

WHEREAS, the Township of Colts Neck (the "Township") adopted a binding resolution on January 29, 2025 identifying its present and prospective fair share obligation for the Fourth Round; and

WHEREAS, the Township filed a Declaratory Judgement on January 30, 2025 identifying its present and prospective fair share obligation for the Fourth Round and committing to adopting and submitting a fourth round housing element and fair share plan as required by the FHA; and

WHEREAS, the FHA now requires, among other actions, that municipalities submit an adopted housing element in fair share plan on or before June 30, 2025; and

WHEREAS, on March 27, 2025, the Hon. Linda Grasso Jones J.S.C. issued an order finding in favor of the Township's identified affordable housing obligation and authorizing the Township to proceed with preparation and adoption of a fourth round housing plan by June 30, 2025; and

WHEREAS, the Township submission of the 2025 Fourth Round Housing Element and Fair Share Plan on June 9, 2025 to the Affordable Housing Dispute Resolution Program (the "Program") received three objections - Fair Share Housing Center ("FSHC"), 68 Obre Owner, LLC ("Obre"), and Active Acquisitions, LLC ("Active Acquisitions"); and

WHEREAS, On March 4, 2026, the Program Judge, Hon. Mary C. Jacobson, A.J.S.C. (Ret.), issued a Program Decision and Recommendation with the Special Adjudicator's Recommendation and Statement of Reasons, dated March 3, 2026; and

WHEREAS, The County Housing Judge, Hon. Linda Grasso Jones, J.S.C. issued an order shortly thereafter on March 9, 2026 titled Decision and Order Regarding Housing Element and Fair Share Plan for the Fourth Round Housing Cycle (the "Order"); and

WHEREAS, Ms. Elizabeth McManus, PP, AICP, LEEDS AP, of Kyle + McManus Associates prepared a document titled "2026 Amendment to the 2025 Fourth Round Housing Plan" dated April 7, 2026 to address all requirements of the Order (the "Amendment"), a true copy of which is attached hereto and incorporated by reference; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of Colts Neck (the "Board") held a public hearing on the Amendment during which the document was presented to the public and Board, and opportunity for comments and questions were provided; and

WHEREAS, upon conclusion of the public hearing, the Planning Board adopted the Amendment determining that it complied with the Order and that the Amendment meets the requirements of N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310; and

WHEREAS, the Planning Board’s adoption of the Amendment was consistent with the requirements of the Order, which at this time requires amendment to the Township’s master plan but not the implementation of new zoning through this action; and

WHEREAS, the Planning Board’s resolution enacted the Amendment under protest and in recognition of the potential exercise of all legal rights that are possessed and reserved by the governing body and/or Planning Board, including but not limited to pending appellate practice from the Order, seeking relief from the particular requirements of same, or declining to implement the remaining components of same; and

WHEREAS, the governing body seeks to endorse the adoption of the Amendment consistent with the foregoing including specifically the enumerated reservation of rights.

NOW, THEREFORE, BE IT RESOLVED, by motion duly made and seconded, that the Township Committee of the Township of Colts Neck hereby endorses the 2026 Amendment to the 2025 Fourth Round Housing Plan Element and Fair Share Plan, consistent with the foregoing.

I, Kathleen Capristo, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during the regular meeting held on the 8th day of April 2026.

Kathleen Capristo

Kathleen Capristo, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Viola		X			
Deputy Mayor Buzzetta	M	X			
Rizzuto		X			
Torchia Buss	S	X			
Tobia			X		
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					