



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
RESOLUTION 19-261**

**A Resolution of the Council of the Borough of Highlands,
County of Monmouth, State of New Jersey Endorsing the
Amended Housing Element and Fair Share Plan Adopted by the Land Use Board**

WHEREAS, in December 2018, the Borough of Highlands (hereinafter “Highlands” or the “Borough”) filed a declaratory action with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its obligation to create the realistic opportunity to meet its “fair share” of the regional need for low- and moderate-income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, in connection with this lawsuit, the Borough simultaneously sought, and ultimately secured, a protective order providing Highlands and its Land Use Board immunity from all exclusionary zoning lawsuits while the Borough pursued approval of its Amended Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Borough engaged in negotiations with the Fair Share Housing Center (“FSHC”) and executed a settlement agreement with FSHC on June 25, 2019;

WHEREAS, a Fairness Hearing was held on August 9, 2019, at which time the settlement agreement was approved, and said approval was later memorialized in an Order dated September 23, 2019; and

WHEREAS, on October 3, 2019, the Borough Land Use Board adopted a Housing Element and Fair Share Plan (“HEFSP”) effectuating the Court order; and

WHEREAS, the Borough Council of the Borough of Highlands wishes to endorse the 2019 Housing Element and Fair Share Plan and seeks approval of the 2019 Housing Element and Fair Share Plan from the Court.

BE IT RESOLVED, by the Borough Council of the Borough of Highlands in the County of Monmouth, and the State of New Jersey:

1. That it hereby endorses the Housing Element and Fair Share Plan, as adopted by the Highlands Borough Land Use Board on October 3, 2019 via the Land Use Board resolution, attached hereto as Exhibit A.
2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Land Use Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.

4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL			X			

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

DATE OF VOTE: 10/16/2019



Matthew Conlon, RMC, Municipal Clerk

