

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ATLANTIC HIGHLANDS ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the Borough of Atlantic Highlands (hereinafter “Atlantic Highlands” or the “Borough”) filed a Declaratory Judgment Complaint on July 2, 2015 in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, the Borough simultaneously sought, and ultimately secured, a protective order providing Atlantic Highlands immunity from all exclusionary zoning lawsuits while it pursued approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

**WHEREAS**, the Court also appointed Francis J. Banisch III, P.P., A.I.C.P. as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

**WHEREAS**, with assistance from the Court Master, the Borough and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Borough and FSHC on January 26, 2018 (hereinafter “FSHC Settlement Agreement”); and

**WHEREAS**, a Fairness Hearing was held on May 8, 2018, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on May 24, 2018; and

**WHEREAS**, as per the terms of the January 26, 2018 FSHC Settlement Agreement and the Court’s May 24, 2018 Order, the Borough’s Planner has prepared a Housing Element and Fair Share Plan, which has been reviewed and modified by the Borough’s affordable housing counsel, and which is attached hereto with Appendices as Exhibit A; and

**WHEREAS**, the members of the Planning Board have reviewed the Housing Element and Fair Share Plan, and have determined to adopt same; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on September 13, 2018; and

**WHEREAS**, the Planning Board has determined that the attached Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough of Atlantic Highlands’s current Master Plan, and that adoption and implementation of the Housing Element

and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare; and

**WHEREAS**, the Planning Board anticipates that the Appendices to the attached Housing Element and Fair Share Plan may or may not be amended and supplemented subject to the approval of the Borough's professionals, FSHC, the Court Master and the Court.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the Planning Board hereby adopts the Housing Element and Fair Share Plan attached hereto as Exhibit A.

  
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Chairman of the Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Atlantic Highlands, County of Monmouth, on September 13, 2018.

  
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Planning Board Secretary