

# RESOLUTION OF THE TOWNSHIP OF WASHINGTON

*Morris County, New Jersey*

No. R-107-25

Date of Adoption: June 26, 2025

**Title or Subject:** RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, ENDORSING THE 2025 ROUND FOUR HOUSING PLAN ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE TOWNSHIP OF WASHINGTON LAND USE BOARD ON JUNE 25, 2025

**WHEREAS**, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 (“FHA”); and

**WHEREAS**, amongst other things, P.L. 2024, c. 2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (Program) and established new procedures and deadlines for municipalities to come into compliance with the FHA and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

**WHEREAS**, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance with the FHA in order to maintain immunity from exclusionary zoning and builder’s remedy litigation through the Program process set forth in P.L. 2024, c.2; and

**WHEREAS**, Directive #14-24 and P.L. 2024, c. 2, require each municipality to adopt a binding resolution setting forth its Fourth-Round present and prospective need obligations and file a declaratory judgment action with the Program through the New Jersey e-courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

**WHEREAS**, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of Washington timely adopted a resolution setting forth the Township’s pre-credited/unadjusted Fourth Round affordable housing obligations on January 20, 2025 and on January 22, 2025 the Township uploaded same to the Program and filed a declaratory judgment action with the Program and the Court, which is entitled: In re Township of Washington, Morris County, Docket No.: MRS-L-000171-25 (Township’s “2025 Action”); and

**WHEREAS**, on April 29, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township’s 2025 Action fixing the Township’s Fourth Round pre-credited/unadjusted Present Need Obligation as (20) and a Fourth Round gross Prospective Need Obligation as one-hundred and seventy-three (173) and which Order directs the Township to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

**WHEREAS**, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Allen in the 2025 Action, the Township’s Municipal Planner has since prepared the Township’s 2025 Round Four Housing Plan Element and Fair Share Plan; and

**WHEREAS**, on timely prior notice to the public on June 25, 2025, the Township of Washington Land Use Board adopted the Township’s 2025 Round Four Housing Plan Element and Fair Share Plan following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

**WHEREAS**, the Township Committee of the Township of Washington has since reviewed the 2025 Round Four Housing Plan Element and Fair Share Plan, and now desires to endorse the 2025 Round Four Housing Plan Element and Fair Share Plan, in the form and substance, as previously adopted by the Township of Washington Land Use Board on June 25, 2025.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Washington, County of Morris, State of New Jersey as follows:

1. The Township does hereby endorse the 2025 Round Four Housing Plan Element and Fair Share Plan adopted by the Township of Washington Land Use Board on June 25, 2025.



2. The Township Municipal Attorney is hereby directed to file the Township's 2025 Round Four Housing Plan Element and Fair Share Plan, this resolution and all relevant supporting documentation, appendices and exhibits with the Program in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c. 2.
3. The Township further reserves the right to amend the 2025 Round Four Housing Plan Element and Fair Share Plan, should such further amendments be required or necessary.
4. Due to the Township's status as a fully conforming highlands municipality, the Township Attorney and Municipal Planner are further directed to submit the Township's 2025 Round Four Housing Plan Element and Fair Share Plan, this resolution and all relevant supporting documentation, appendices and exhibits, including proposed ordinances, to the New Jersey Highlands Council for the purposes of consistency review and obtaining a determination from the Highlands Council that the Township's 2025 Round Four Housing Plan Element and Fair Share Plan and proposed ordinances are consistent with the Highlands Act, N.J.S.A. 13:20-1 et seq., the administrative regulations promulgated thereto, and the goals and objectives of the Highlands Regional Master Plan, as amended by the "Highlands Affordable Housing Regional Master Plan Amendment (2024)."
5. Should any challenge to the Township's 2025 Round Four Housing Plan Element and Fair Share Plan be filed, the Township Municipal Attorney and Municipal Planner are hereby directed to defend the Township against such challenge(s) and take all necessary steps in furtherance thereof.
6. The Township Municipal Attorney, Municipal Planner and all other appropriate officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township maintains its immunity from exclusionary zoning and builder's remedy and secures a Certification of Compliance from the Program and/or a Final Judgment of Compliance and Repose from the Court.
7. The Township further reserves the right to amend and supplement the 2025 Round Four Housing Plan Element and Fair Share Plan on prior notice and a public hearing in accordance with the requirements of the Municipal Land Use Law, the Open Public Meetings Act and the Home Rule Act should such further amendments be required or necessary.
8. A certified copy of this resolution and the Township's 2025 Round Four Housing Plan Element and Fair Share Plan shall remain on file with the Township for the purpose of public inspection, and the Township Clerk is direct to upload this Resolution and the Township 2025 Round Four Housing Plan Element and Fair Share Plan to the Township's website in accordance with the requirements of the FHA and Directive #14-24.
9. Notice of this action shall be published in the official newspapers for the Township of Washington.
10. This Resolution shall take effect immediately.

Adopted: June 26, 2025


ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WASHINGTON

  
Township Official

  
Michal A. Marino, Mayor

*I, Denean Probasco, Township Clerk, do hereby certify that the foregoing resolution was adopted at a meeting of the Township Committee held on June 26, 2025.*

  
Denean Probasco, Township Clerk

  
Date