

RESOLUTION OF THE TOWNSHIP OF WASHINGTON

Morris County, New Jersey

No. R-62-26

Date of Adoption: March 16, 2026

Title or Subject: RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY ENDORSING THE 2026 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE TOWNSHIP OF WASHINGTON PLANNING BOARD ON MARCH 4, 2026

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) through the adoption of P.L. 2024, c.2 (“FHA-2”), which governs how municipalities must comply with their affordable housing obligations for the Fourth Round (2025-2035); 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-2 and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which began 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 come into compliance with the FHA-2 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, in compliance with P.L. 2024, c.2 and Directive #14-24, the Township of Washington (“Township”) timely filed a declaratory judgment action with the Program on January 21, 2025, which is entitled In re Township of Washington, Docket No.: MRS-L-171-25 (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 at “20” and gross Prospective Need Obligation at “173” and which such 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, the Township’s Affordable Housing Planner prepared the Township’s Fourth Round Housing Element and Fair Share Plan (“2025 HEFSP”); and

WHEREAS, on timely prior notice to the public, on June 25, 2025, the Township of Washington Planning Board adopted the Township’s 2025 Housing Element and Fair Share Plan following a public hearing thereon in accordance with all applicable laws, and on June 26, 2025 the Township Committee adopted a resolution endorsing the 2025 HEFSP; and

WHEREAS, the Township timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements and deadlines set forth within the FHA-2; and

WHEREAS, thereafter Fair Share Housing Center (FSHC) and Garas Development filed a timely challenge to the Township’s 2025 HEFSP; and

WHEREAS, the Township subsequently participated in good faith in the Program process established under FHA-2 to address the various challenges to the Township’s 2025 HEFSP, including settlement hearings and Session hearings before Program Judge the Hon. Thomas Miller, A.J.S.C. (Ret.) on November 13, 2025 and December 22, 2025; and

WHEREAS, as a result of the Program process, the Township was able to resolve the challenged issues with FSHC and Garas Development and reached a Negotiated Mediation Agreement with FSHC, which was approved by the Township Committee by Resolution and fully executed by both parties on January 13, 2026 (“Settlement”); and

WHEREAS, following review of the Settlement, Program Judge Miller issued a Program Decision Recommendation on January 15, 2026, wherein Judge Miller found the terms of the Settlement to be fair, reasonable and adequately protect the interest of low- and moderate-income residents, to be constitutionally compliant, and to provide a fair and reasonable opportunity for the Township to meet its obligations under the FHA-2 and *Mount Laurel* doctrine; and

WHEREAS, on January 23, 2026 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township’s 2025 Action which incorporated and affirmed Judge Miller’s Program Decision Recommendation, and directed the Township to adopt all amendments to the Township’s 2025 HEFSP and all implementing ordinances and resolutions and file same in the Township’s 2025 Action on or before March 16, 2026 as a condition of securing a Certification of Compliance and Repose; and

WHEREAS, pursuant to the FHA-2, the issuance of a Certification of Compliance and Repose from the County Mount Laurel Judge entitles a compliant municipality to continued immunity from exclusionary zoning and builder’s remedy litigation for the remaining 10-year Fourth Round; and

WHEREAS, the Township Affordable Housing Planner has since prepared an updated/amended Fourth Round Housing Element and Fair Share Plan in accordance with the Settlement and Judge Allen’s Order issued on February 25, 2026; and

WHEREAS, on timely prior notice to the public, on March 4, 2026, the Township of Washington Planning Board adopted the Township’s 2026 Amended Housing Element and Fair Share Plan (“Amended Fourth Round HEFSP” or “Amended HEFSP”) 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 has since reviewed the Amended Fourth Round HEFSP, and now desire to endorse the Township’s Amended HEFSP, as previously adopted by the Planning Board of the Township of Washington on March 4, 2026.

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

1. The Township Committee does hereby approve and endorse the Amended Fourth Round Housing Element and Fair Share Plan adopted by the Township of Washington Planning Board on March 4, 2026.

2. The Township’s Municipal Attorney and Township Planner are hereby directed to file the Township’s Amended Fourth Round Housing Element and Fair Share Plan, this Resolution and all relevant supporting documentation and exhibits with the Court in the Township’s 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2.
3. The Township Municipal Attorney, the Township Planner and all other appropriate Township 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 secures a Certification of Compliance and Repose and maintains its immunity from exclusionary zoning and builder’s remedy.
4. Should any objection to the Township’s Amended Fourth Round Housing Element and Fair Share Plan be filed, the Township Municipal Attorney, Affordable Housing Planner and Township Planner are hereby directed to defend the Township against such objection(s) and take all necessary steps to secure a Certification of Compliance and Repose.
5. A certified copy of this Resolution and the Township’s Amended Fourth Round Housing Element and Fair Share Plan shall remain on file with the Township Municipal Clerk’s Office for the purpose of public inspection, and shall be uploaded to the Township’s website by the Township Municipal Clerk in accordance with the requirements of the FHA-2 and Directive #14-24.
6. The Township further reserves the right to amend the Amended Housing Element and Fair Share Plan, should such further amendments be required or necessary.
7. Notice of this action shall be published under public notices on the official website of the Township of Washington at www.wtmorris.org in accordance with law.
8. This Resolution shall take effect immediately.

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WASHINGTON**

Denean Probasco, Township Clerk

Michael A. Marino, Mayor

I, hereby certify that the foregoing resolution was adopted at a meeting of the Township Committee held on March 16, 2026.

Denean Probasco, Township Clerk

Date