

RESOLUTION OF THE TOWNSHIP OF WASHINGTON

Morris County, New Jersey

No. R-65-26

Date of Adoption: March 16, 2026

Title or Subject: RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING AND/OR REAFFIRMING THE TOWNSHIP'S REHABILITATION PROGRAM MANUAL, ACCESSORY APARTMENT PROGRAM MANUAL, AFFORDABILITY ASSISTANCE PROGRAM POLICIES AND PROCEDURES MANUAL, AND AFFORDABLE HOUSING ADMINISTRATIVE AGENT POLICIES AND PROCEDURES MANUAL

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"); 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 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 directed 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 above-referenced Order issued by Judge Allen, the Township Municipal Planner prepared the Township's 2025 Housing Element and Fair Share Plan, dated June 2025 ("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 HEFSP following a public hearing thereon, and on June 26, 2025 the Township Committee adopted a resolution endorsing the 2025 HEFSP; and

WHEREAS, following same the Township timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements of the FHA-2; and

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

WHEREAS, the Township subsequently participated in good faith in the Program process established under FHA-2 to address 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, in accordance with the Court’s Order, the Township of Washington Planning Board adopted the required amendments to the Township’s Fourth Round Housing Element and Fair Share Plan on March 4, 2026, which has since been approved/endorsed by the Township Committee on March 16, 2026 (hereinafter the “Amended Fourth Round HEFSP” or “Amended HEFSP”), and sets forth the Township’s plans and compliance mechanisms to meet its pre-credited/unadjusted Present Need Obligation of “20” and gross Prospective Need Obligation of “173”; and

WHEREAS, on December 15, 2025 the New Jersey Housing and Mortgage Finance Agency adopted amendments to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. (“UHAC”) and the New Jersey Division of Local Planning Services (DLPS) adopted the Fair Housing Act Rules at N.J.A.C. 5:99-1 et seq.; and

WHEREAS, in furtherance of the Court’s Order the Township has since adopted updated affordable housing ordinances, an amended Fourth Round Spending Plan and a Fourth Round Affirmative Marketing Plan/Program, which are designed to implement and fulfill the constitutional, statutory and regulatory requirements of the Mount Laurel doctrine, the FHA, FHA-2, the UHAC, the Fair Housing Act Rules, New Jersey Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and the Township’s Amended Fourth Round HEFSP (hereinafter collectively the “Affordable Housing Laws”); and

WHEREAS, the Township’s plan to address Fourth Round Present Need is to continue municipal participation in the Morris County Community Development and HOME Rehabilitation Program that

provides funding for income-eligible households in Morris County to receive housing rehabilitation funding under the County program(s) that are supervised and administered by the County with supplemental funding provided by Washington Township on an as needed basis; and

WHEREAS, Washington Township’s Third Round court-approved plan provided the mechanism to address the Third Round Present Need through the Morris County Community Development and HOME Rehabilitation Program, which provides qualifying very-low, low- and moderate-income households within the Township with assistance in completing essential home repairs in exchange for a deed restriction covering such properties receiving repairs for at least 10 years;

WHEREAS, in order to meet the Township’s Fourth Round Present Need, the Township will continue its participation in the Morris County Community Development and HOME Rehabilitation Program; and

WHEREAS, the Township Committee affirms its commitment to funding rehabilitation to meet Present Need by budgeting \$20,000 per unit in the Washington Township Spending Plan to supplement County funding available for the cost of income-eligible residents to address rehabilitation repairs consistent with applicable the cost of the Township’s existing “Home Improvement Program, Policies and Procedures Manual” dated February 27, 2019, and update same, as necessary, to meet with the recent changes to the Affordable Housing Laws and current regulations; and

WHEREAS, pursuant to the Township’s Amended HEFSP and Affordable Housing Spending Plan and the Township’s affordable housing ordinances, the Township has established an Accessory Apartment Program and an updated Affordability Assistance Program; and

WHEREAS, the Township Committee desires to adopt and approve the Township’s updated Accessory Apartment Program and Affordability Assistance Program, as set forth in the Township’s Amended HEFSP and Amended Affordable Housing Spending Plan; and

WHEREAS, the Township has a professional services agreement with the Housing Partnership of New Jersey, NeighborWorks (“HPNJ”), pursuant to which the HPNJ provides trained New Jersey Certified Affordable Housing Administrative Agents who are responsible, amongst other things, to assist the Township in enforcing the Affordable Housing Laws, and oversee and administer the Township’s affordable housing programs, affordable housing stock and affordability controls in accordance with the requirements of the FHA, FHA-2, the UHAC, the DLPS Affordable Housing Regulations, the Township’s affordable housing ordinances, and the Township’s Amended HEFSP; and

WHEREAS, the Township Committee now desires to reaffirm and continue with the Township’s Rehabilitation Program, Accessory Apartment Program, Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manuals, and authorize the Township’s professionals to make any amendments to same, so that such programs are administered in compliance with the Township’s Amended HEFSP and recent changes in the Affordable Housing Laws referenced hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the 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 reaffirm and approve the continuation of the Township’s Rehabilitation Program, Accessory Apartment Program, Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manual (“Fourth Round Program Documents”), and approves all updates and amendments to same

that are necessary in order to bring the Township's Fourth Round Programs into in compliance with the recent changes to the Affordable Housing Laws and the Township's revised HEFSP adopted by the Township Planning Board on March 4, 2026.

2. The Township's Municipal Attorney and Township Planner are hereby directed to prepare any updates to the Township's Fourth Round Program Documents and file same and this Resolution 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 and 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. A certified copy of this Resolution and the Township's Fourth Round Program Documents 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's Municipal Clerk in accordance with the requirements of the FHA-2 and Directive #14-24.
5. The Township further reserves the right to amend the Township's Fourth Round Program Documents, should such further amendments be required or necessary.
6. 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.
7. This Resolution shall take effect immediately.

Adopted: March 16, 2026

Denean Probasco, RMC, Municipal Clerk

Michael A. Marino, Mayor

CERTIFICATION

I, Denean Probasco, Township Clerk of the Township of Washington hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Washington at a duly convened meeting held on March 16, 2026.

Denean Probasco, RMC, Municipal Clerk