

Township of West Milford

Passaic County, New Jersey

~ Resolution 2025 - 260 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE TOWNSHIP OF WEST MILFORD PLANNING BOARD ON JUNE 5, 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, amongst other things, 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 West Milford timely adopted a resolution setting forth the Township's pre-credited/unadjusted Fourth Round affordable housing obligations on January 21, 2025 and on January 24, 2025 the Township uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled: In re Township of West Milford, Docket No.: PAS-L- 000309-25 (Township's "2025 Action"); and

WHEREAS, on March 20, 2025 Passaic County Mount Laurel Judge, the Honorable Darren J. Del Sardo, P.J.Civ., issued an Order in the Township's 2025 Action fixing the Township's Fourth Round pre-credited/unadjusted Present Need Obligation of one-hundred and five (105) and a gross Prospective Need Obligation of one-hundred and ninety-seven (197) 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 Del Sardo in the 2025 Action, the Township's Municipal Planner has since prepared the Township's 2025 Housing Element and Fair Share Plan; and

WHEREAS, on timely prior notice to the public on June 5, 2025, the Township of West Milford Planning Board adopted the Township's 2025 Housing 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 Council of the Township of West Milford has since reviewed the 2025 Housing Element and Fair Share Plan, and now desires to endorse the 2025 Housing Element and Fair Share Plan, in the form and substance, as previously adopted by the Township of West Milford Planning Board on June 5, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey, as follows:

1. The Township does hereby endorse the 2025 Housing Element and Fair Share Plan adopted by the Township of West Milford Planning Board on June 5, 2025.
2. The Township Municipal Attorney is hereby directed to file the Township's 2025 Fourth Round Housing 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. 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 Fourth Round Housing 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 Housing 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)."
4. Should any challenge to the Township's 2025 Fourth Round Housing 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.
5. The Township 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.
6. A certified copy of this resolution and the Township's 2025 Housing 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 Housing Element and Fair Share Plan to the Township's website in accordance with the requirements of the FHA and Directive #14-24.
7. Notice of this action shall be published in the official newspapers for the Township of West Milford.
8. This Resolution shall take effect immediately

Adopted: June 11, 2025

Adopted this 11th day of June, 2025
and certified as a true copy of an original

William Senande, Township Clerk