

Egg Harbor Township

Resolution No. 296

2025

Resolution Endorsing a Fourth Round Housing Element and Fair Share Plan

WHEREAS, the Township of Egg Harbor (hereinafter the "Township" or "Egg Harbor") has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township of Egg Harbor filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder's remedy lawsuits, until July 1, 2025; and

WHEREAS, the Township continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the Township adopted a "binding resolution" challenging the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 22, 2025, establishing its Fourth Round Present Need of 164 and Prospective Need of 130; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("the Program"), along with its binding resolution, on January 24, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Township received an objection to its Fourth Round affordable housing obligations established in the DJ Complaint and resolution on February 25, 2025, which required a settlement negotiation between the Township and the objector; and

WHEREAS, the settlement negotiations resulted in the entering into of a Mediation Agreement between the Township and the objector that established agreed upon adjusted Fourth Round obligations, which was subsequently approved via a resolution adopted by the Township on April 9, 2025; and

WHEREAS, on April 30, 2025, the Court entered an order establishing the Township's Fourth Round Present Need of 164 and Prospective Need of 142; and

WHEREAS, now that the Township has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Township's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 16, 2025 and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

WHEREAS, the Township Committee wishes to endorse the Fourth Round Housing Element and Fair Share Plan that was adopted by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Egg Harbor, County of Atlantic, State of New Jersey, as follows:

1. The Township Committee hereby endorses the Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the Township's Planning Board on June 16, 2025.
2. The Township Committee hereby directs the Township's Affordable Housing Counsel to seek Program and Court approval of the Fourth Round Housing Element and Fair Share Plan via a Compliance Certification, and to take whatever actions are necessary to maintain the Township's immunity from all Mount Laurel exclusionary zoning lawsuits.
3. The Township reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.

Dated: June 18, 2025

Eileen M. Tedesco, RMC

Eileen M. Tedesco, RMC
Township Clerk

Attachment – Exhibit A Fourth Round Housing Element and Fair Share Plan

I certify that this a true copy of a Resolution
adopted by the Township Committee of Egg
Harbor Township, Atlantic County, NJ
on June 18, 2025

Janice F. Hughes, RMC
Janice F. Hughes, RMC, Deputy Township Clerk

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EXHIBIT A

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN