

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF MAHWAH ADOPTING A FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Township of Mahwah (hereinafter the “Township” or “Mahwah”) 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 or around July 7, 2015, the Township of Mahwah 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 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 resolution on January 29, 2025 committing to a present need obligation of 36 and Round 4 prospective need obligation of 444 and thereafter filing a declaratory judgment action within 48 hours of the adoption of the Resolution; 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 30, 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 objections from the New Jersey Builders Association, Fair Share Housing Center, Mahwah Town Center Redevelopers LLC, and comments from resident objector, Kenneth Cerullo, Esq. to its Present and Prospective Need numbers by February 28, 2025; and

**WHEREAS**, the Township ultimately secured a determination that its Round 4 Prospective Need Obligation is 495; and

**WHEREAS**, now that the Township has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt and endorse 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**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 23, 2025; and

**WHEREAS**, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's current Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mahwah, County of Bergen, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as **Exhibit A**.

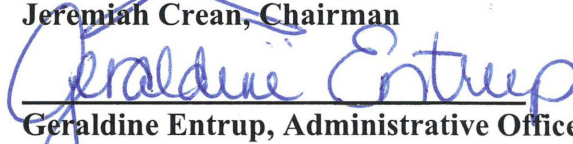
**BE IT FURTHER RESOLVED**, that the Administrative Officer shall forward a copy of this Resolution to the Governing Body of the Township and shall otherwise circulate, file, and distribute same in accordance with law.

A motion to recommend the adoption of the Fourth Round Housing Element and Fair Share Plan, and to memorialize its findings by this resolution, was made on June 23, 2025, by the following vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Mayor Wysocki			X			
Mr. Crean, Chairman			X			
Mr. Ervin			X			
Mr. Grewal						X
Ms. Jankowski		X	X			
Mr. LoIacono			X			
Mr. Miller			X			
Mr. Montroy			X			
Mr. Olear						X
Ms. Miceli, Alternate I	X		X			
Ms. Galow, Alternate II						X
Total			8			3

# MAHWAH PLANNING BOARD

Date: June 23, 2025

By: Jeremiah Crean, Chairman  
  
Geraldine Entrup, Administrative Officer