

**A RESOLUTION OF THE GLOUCESTER TOWNSHIP PLANNING BOARD
MEMORIALIZING THE ADOPTION OF THE FOURTH ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF GLOUCESTER
MASTER PLAN**

RESOLUTION NO. PB-25-09

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (the “MLUL”), authorizes the Municipal Planning Board to adopt and subsequently amend the municipalities Master Plan by following the procedures set forth in the MLUL; and

WHEREAS, one component of the Master Plan is the Housing Element and Fair Share Plan (“HEFSP”); and

WHEREAS, on January 22, 2022, the Planning Board of the Township of Gloucester, Camden County, previously adopted a Third Round HEFSP pursuant to the MLUL, the Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-310, and the court-upheld Council on Affordable Housing (“COAH”) regulations at N.J.A.C. 5:93 et seq.; and

WHEREAS, the New Jersey Superior Court approved the Township’s Third Round HEFSP and issued a Third Round Judgment of Compliance and Repose (“JOR”), dated April 14, 2022, which provided Gloucester Township Third Round immunity from builder remedy lawsuits through July 1, 2025; and

WHEREAS, in March of 2024, an amendment to the New Jersey’s Fair Housing Act, P.L. 2024, c.2 was signed into law (hereafter the “Amended FHA”); and

WHEREAS, in addition to the Amended FHA, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024 (“Administrative Directive #14-24”); and

WHEREAS, the Amended FHA and the Administrative Directive #14-24 established a procedure by which municipalities can secure approval of a HEFSP; and

WHEREAS, that procedure contemplated that the municipality would adopt a resolution by January 31, 2025, committing to a Fourth Round fair share number and filing a declaratory relief action within forty-eight (48) hours of adoption of said resolution, and then file a Fourth Round HEFSP by June 30, 2025; and

WHEREAS, on January 27, 2025, the Township adopted binding Resolution No. 2025-01-051 committing to a fair share number and the Township thereafter filed a declaratory relief action with the Affordable Housing Dispute Resolution Program (“Program”) and in Superior Court of New Jersey within forty-eight (48) hours from adoption of resolution, seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (July 1, 2025 to June 30, 2035); and

WHEREAS, no objections were filed challenging the Township's binding Resolution No. 2025-01-051, adopted on January 27, 2025; and

WHEREAS, pursuant to Administrative Directive #14-24, "[a]fter the entry of an order determining present and prospective fair share obligations, the municipality must file with the Program its adopted housing element and fair share plan within 48 hours after adoption or by June 30, 2025, whichever is sooner;" and

WHEREAS, a Superior Court Order, dated April 28, 2025, was issued which determined the Township's Fourth Round Present Need or Rehabilitation Obligation of 221 and the Township's Fourth Round Prospective Need Obligation of 339; and

WHEREAS, the Amended FHA provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, it is now the Township of Gloucester Planning Board's statutory obligation to review and adopt a Fourth Round HEFSP which must be filed with the New Jersey Superior Court of New Jersey and Program; and

WHEREAS, accordingly the Township of Gloucester Affordable Housing Planning Consultant, Steven M. Bach, PE, RA, PP, CME of Bach Associates, PC, has prepared a Fourth Round HEFSP, dated June 2025, to address the Township of Gloucester's Affordable Housing obligation under the Amended FHA (the "Fourth Round HEFSP"); and

WHEREAS, according to the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Township of Gloucester Planning Board scheduled a public hearing for the review and adoption of the Fourth Round HEFSP for June 10, 2025, at 7:00 p.m. at the Township of Gloucester Municipal Building; and

WHEREAS, in accordance with provisions of N.J.S.A. 40:55D-13 of the MLUL, the Township of Gloucester Planning Board published a notice of this public hearing in the Township's official newspaper at least ten (10) days before the scheduled date of the public hearing and served a copy of said notice upon the clerks of all municipalities adjoining the Township and notice with a copy of the plan upon the Clerk of the Camden County Planning Board and upon the New Jersey Office of Planning Advocacy; and

WHEREAS, a copy of the Fourth Round HEFSP was placed on file with the Township of Gloucester Planning Board Secretary and Township of Gloucester Clerk and was available for public review at least ten (10) days before the scheduled date of the public hearing; and

WHEREAS, the Township of Gloucester Planning Board held a public hearing on the Fourth Round HEFSP on June 10, 2025; and

WHEREAS, at the public hearing, Steven M. Bach, PE, RA, PP, CME, of Bach Associates, PC provided professional planning testimony regarding the Fourth Round HEFSP and members of the public were provided with an opportunity to ask questions and to provide comments about the HEFSP; and

WHEREAS, the Township of Gloucester Planning Board, after carefully considering the evidence presented at the hearing, makes the following factual findings and conclusions of law:

- a. The Township of Gloucester Planning Board is empowered under the MLUL to adopt and/or amend the Township's Master Plan.
- b. A HEFSP is a component of the Township of Gloucester's Master Plan.
- c. The adoption of a HEFSP is a way for the Township of Gloucester to plan to address its affordable housing obligations under the Amended FHA and applicable case law.
- d. The Amended FHA establishes a procedure in which municipalities can secure approval of their HEFSP.
- e. In accordance with the procedures established by the Amended FHA, the Township of Gloucester adopted a resolution committing to an obligation on January 27, 2025 deadline established by the Amended FHA and filed a declaratory relief action within 48 hours of the resolution seeking continued immunity and the opportunity to pursue approval of a Fourth Round HEFSP.
- f. The Township of Gloucester's affordable housing consultant, Steven M. Bach, PE, RA, PP, CME of Bach Associates, PC has prepared the Township's Fourth Round HEFSP.
- g. The Township of Gloucester Planning Board scheduled a public hearing on the proposed Fourth Round HEFSP for June 10, 2025.
- h. The Township's Fourth Round HEFSP was placed on file with the Planning Board at least 10 days in advance of the public hearing and was available for public review.
- i. Notice of the June 10, 2025 public hearing was published in the Township of Gloucester's official newspaper at least 10 days in advance of the public hearing and a copy of this notice was served upon the clerks of the municipalities adjoining the Township of Gloucester, notice with a copy of the plan was served upon the clerk of the County Planning Board and upon the New Jersey Office of Planning Advocacy.
- j. At the public hearing, testimony regarding the Township's Fourth Round HEFSP was provided by the Township of Gloucester's Professional Planner, Steven M. Bach, PE, RA, PP, CME, of Bach Associates, PC who provided an outline of the State's affordable housing process and provided testimony, both orally and through the Township's Fourth Round HEFSP, as to the Township of Gloucester's court-approved fair share Fourth Round obligation.
- k. At the public hearing, the public was provided an opportunity to comment on the Township's Fourth Round HEFSP.

1. The Township of Gloucester Planning Board finds that the Township's Fourth Round HEFSP is consistent with the goals and objectives of the Township of Gloucester Master Plan, that it will guide the use of the lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28 of the MLUL, and that its adoption will achieve access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-3:10 of the Amended FHA.
- m. The Township of Gloucester Planning Board also finds that the Township's Fourth Round HEFSP provides appropriate planning strategies in order to satisfy the Township of Gloucester's affordable housing obligations.
- n. The Township of Gloucester further recognizes that the adoption of the Township's Fourth Round HEFSP to address the Township of Gloucester's obligations on or before June 30, 2025 is necessary in order to comply with the Amended FHA and secure the benefits that accompany such compliance.

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of June 2025, that the Planning Board of the Township of Gloucester, by a vote of 4 in favor, 0 opposed and 0 abstained, hereby approves and adopts the Township's Fourth Round HEFSP which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED, that the Township's Fourth Round HEFSP supersedes and replaces any prior HEFSP; and

BE IT FURTHER RESOLVED, that the Planning Board of the Township of Gloucester hereby directs its Board Solicitor and Board Secretary to assist the Township of Gloucester Solicitor and the Township Special Council for Affordable Housing to file this adopted resolution and this adopted Fourth Round HEFSP as part of the Township's Fourth Round Declaratory Judgment Action, Docket CAM-L-000279-2, dated 1/28/2025, in Camden County Superior Court and with the Program within 48 hours after adoption of this Fourth Round HEFSP via E-courts per Directive #14-24; and

BE IT FURTHER RESOLVED, that a copy of this resolution with the adopted Township's Fourth Round HEFSP is to be forwarded to the Camden County Planning Board and the New Jersey Office of Planning Advocacy, per the MLUL at N.J.S.A. 40:55D-13.

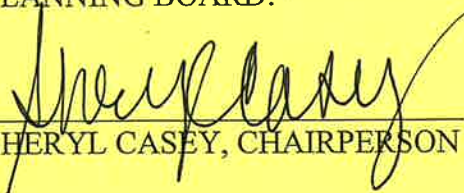
BE IT FURTHER RESOLVED, a motion was duly made and seconded to **APPROVE** the Housing Element and Fair Share Plan as set forth above, and a roll call vote on the motion was recorded as follows:

Those Eligible to Vote	Those in Favor	Those Opposed	Those Abstained
Chairwoman Casey	✓		
Vice Chairwoman Marks	✓		

Ms. MacPherson			
Ms. Albright-Troxell	✓		
Ms. Bergeron	✓		
Mr. Pfeil			
Mr. Booth	✓		

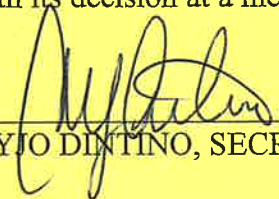
ATTEST:



 MARYJO DINTINO, SECRETARY
GLOUCESTER TOWNSHIP
PLANNING BOARD:


 SHERYL CASEY, CHAIRPERSON
CERTIFICATION

I HEREBY CERTIFY that this resolution of memorialization being adopted by action of the Board on this 10th day of June 2025 represents a true and correct copy of a resolution adopted by the Gloucester Township Planning Board consistent with its decision at a meeting held on the 10th day of June 2025.



 MARYJO DINTINO, SECRETARY