

**BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY
RESOLUTION # 120-25**

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BOROUGH OF WEST CAPE MAY ENDORSING
A FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Borough of West Cape May (hereinafter the "Borough" or "West Cape May") 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 Borough of West Cape May 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 Borough 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 Borough adopted a "binding resolution" accepting 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 zero ("0") and Prospective Need of 11; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Court and 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 Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Borough did not receive any objections to its Present and Prospective Need Obligations by February 28, 2025, resulting in the statutory automatic acceptance of the Borough's Fourth Round obligations on March 1, 2025; and

WHEREAS, on March 27, 2025, the Court entered an order establishing the Borough's Fourth Round Present Need of zero ("0") and Prospective Need of 11; and

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

WHEREAS, in accordance with the Amended FHA, the Borough's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A; and

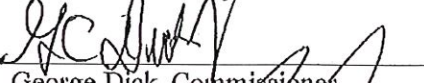
WHEREAS, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 17, 2025 and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

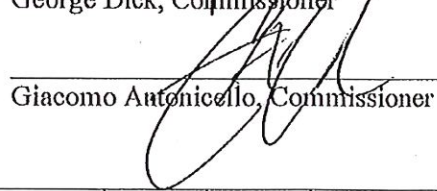
WHEREAS, the Borough Board of Commissioners wishes to endorse the Fourth Round Housing Element and Fair Share Plan that was adopted by the Planning Board.

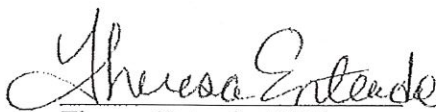
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of West Cape May, County of Cape May, State of New Jersey, as follows:

1. The Borough Board of Commissioners hereby endorses the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A, which was adopted by the Borough's Planning Board on June 17, 2025.
2. The Borough Board of Commissioners hereby directs the Borough'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 Borough's immunity from all Mount Laurel exclusionary zoning lawsuits.
3. The Borough reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.


Carol E. Sabo, Mayor


George Dick, Commissioner


Giacomo Antonicello, Commissioner



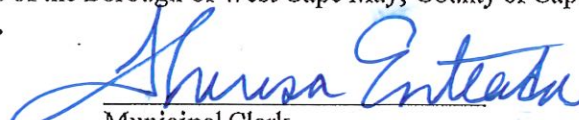
Theresa Entead, RMC
Municipal Clerk

Adopted: June 25, 2025

cc: File
Affordable Housing Counsel
Affordable Housing Planner

	Aye	Nay	Abstain	Absent
Sabo	✓			
Dick	✓			
Antonicello	✓			

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of West Cape May, County of Cape May, New Jersey, at a meeting held on June 25, 2025.


Municipal Clerk