

**SOUTH ORANGE VILLAGE**  
**Municipal Offices**  
76 South Orange Ave  
Suite 302  
South Orange  
Essex County  
New Jersey 07079

www.southorange.org  
P 973.376.7715  
F 973.763.0987



## **RESOLUTION #2025-106**

**May 12, 2025**

### **RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF SOUTH ORANGE ENDORING A FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Village of South Orange (hereinafter the "Village" or "South Orange") has a demonstrated history of voluntary compliance as evidenced by its Prior Round and 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 June 12, 2015, the Village of South Orange 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 Village 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 Village adopted a "binding resolution" accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 27, 2025, establishing its Fourth Round Present Need of 20 and Prospective Need of 163; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Village 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 28, 2025; and

**WHEREAS**, the filing of the DJ Complaint gave the Village automatic, continued



immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

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

**WHEREAS**, on March 24, 2025, the Court entered an order establishing the Village's Fourth Round Present Need of 20 and Prospective Need of 163; and

**WHEREAS**, now that the Village 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 Village'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 Village's Fourth Round Housing Element and Fair Share Plan on May 5, 2025 and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

**WHEREAS**, the Village Council wishes to endorse the Fourth Round Housing Element and Fair Share Plan and seeks approval of the Fourth Round Housing Element and Fair Share Plan by the Program and Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of South Orange, County of Essex, State of New Jersey, as follows:

1. The Village Council hereby endorses the Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the Village's Planning Board on May 5, 2025.
2. The Village Council hereby directs the Village's Affordable Housing Counsel to (a) file with the Program the Village's Fourth Round Housing Element and Fair Share Plan, along with any additional documents the professionals deem necessary or desirable; and (b) seek Court approval of the Fourth Round Housing Element and Fair Share Plan via a Compliance Certification.
3. The Village reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.



| Council Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|----------------|--------|--------|------|------|---------|--------|
| Brown          |        |        | X    |      |         |        |
| Greenberg      |        |        | X    |      |         |        |
| Haskins        |        |        | X    |      |         |        |
| Jones          | X      |        | X    |      |         |        |
| Lewis-Chang    |        | X      | X    |      |         |        |
| Schnall        |        |        | X    |      |         |        |

### CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the South Orange Village Council at their regular meeting held on Monday, May 12, 2025.

Ojetti E. Davis  
Village Clerk