

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

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

WHEREAS, pursuant to In re NJ.AC. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 7, 2015, the Township of West Caldwell 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 21, 2025 committing to a present need obligation of 4 and Round 4 prospective need obligation of 242 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 23, 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 to its Present and Prospective Need numbers by February 28, 2025; and

WHEREAS, on April 7, 2025, the Township received its Round 4 Present Need obligation of 4 and its Round 4 Prospective Need Obligation of 261.

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 February 26, 2026; 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.

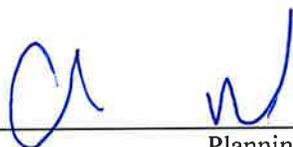
WHEREAS, the adopted 2025 HEFSP was submitted to the Affordable Housing Dispute Resolution Program via eCourts on June 25, 2025.

WHEREAS, in August 2025 challenges were filed by Danbro Properties, LLC and the Fair Share Housing Center to the Township's 2025 HEFSP.

WHEREAS, Mayor & Council approved Resolution No. 25-258, which authorized the execution of an Agreement with Danbro Properties, LLC, and Resolution No. 25-259, which authorized the execution of a Mediation Agreement with FSHC.

WHEREAS, a Mediation Agreement with FSHC executed on January 13, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Caldwell, County of Essex, State of New Jersey, that the Planning Board hereby adopts the Amended Fourth Round Housing Element and Fair Share Plan attached hereto as **Exhibit A** to satisfy the conditions of the Mediation Agreement.



Planning Board Chairman

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Planning Board of Township of West Caldwell at a regular meeting held on February 26, 2026.



Planning Board Secretary