

54-26
February 10, 2026

RESOLUTION

WHEREAS, on March 20, 2024, the New Jersey Governor signed into law P.L. 2024, c.2, which amended various provisions of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA-2"); and

WHEREAS, the FHA-2 sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, amongst other things, P.L. 2024, c. 2 abolished the Council on Affordable Housing, created the Affordable Housing Dispute Resolution Program ("Program"), and established new procedures and deadlines for municipalities to come into compliance with the FHA and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to be in compliance with the FHA in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c. 2; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the "Fourth Round" of affordable housing obligations ("Fourth Round"); and

WHEREAS, on January 28, 2025, the Township Council of the Township of West Orange adopted Resolution No. 67-25 accepting the Department of Community Affairs Fourth Round calculations for the Township's affordable housing obligations, which consist of 409 units of present need and 660 units of prospective need; and

WHEREAS, West Orange Township has duly filed an action with the Affordable Housing Dispute Resolution Program, which action is entitled "In The Matter Of Township of West Orange, a municipal corporation in the State Of New Jersey", filed under docket number ESX-L-000886-25 on or about January 31, 2025; and

WHEREAS, on March 24, 2025, the Honorable Aldo J. Russo, J.S.C. issued an Order setting the Township's Fourth Round affordable housing obligation at 409 units of present need and 660 units of

prospective need, and authorizing the Township to proceed with preparation and adoption of a Housing Element and Fair Share Plan; and

WHEREAS, the FHA-2 requires, among other things, that municipalities prepare and adopt a Housing Element & Fair Share Plan; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., the Planning Board of the Township of West Orange is the municipal body charged with adoption of the Housing Element of the Master Plan, including the Housing Element and Fair Share Plan addressing the Township's affordable housing obligations; and

WHEREAS, the Township Planner and professional planning consultants prepared a Fourth Round Housing Element and Fair Share Plan addressing the Township's present and prospective affordable housing obligations through a series of compliance mechanisms and implementation strategies; and

WHEREAS, the Planning Board of the Township of West Orange held a duly noticed public hearing on the proposed Fourth Round Housing Element and Fair Share Plan, in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act, and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55-D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, on November 10, 2025, following such public hearing, the Planning Board of the Township of West Orange formally adopted the Township's Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, The Township Planning Board ratified the approval of the Township's Fourth Round Housing Element and Fair Share Plan on February 4, 2026; and

WHEREAS, the Township Council of the Township of West Orange has since reviewed the Fourth Round Housing Element and Fair Share Plan, and now desires to endorse the Fourth Round Housing Element and Fair Share Plan adopted by the Planning Board of the Township of West Orange on November 10, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Orange, County of Essex, State of New Jersey, as follows:

1. The Township does hereby endorse the Fourth Round Housing Element and Fair Share Plan, as adopted by the Township of West Orange Planning Board on November 10, 2025.

2. The Township Attorneys are hereby directed to file the Township's Fourth Round Housing Element and Fair Share Plan, this resolution and all relevant supporting documentation and exhibits with the Superior Court of New Jersey and to take all steps necessary to proceed with a court supervised affordable housing compliance process.
3. Should any challenge to the Township's Fourth Round Housing Element and Fair Share Plan be filed, the Township Municipal Attorney and Municipal Planner are hereby directed to defend the Township against such challenge(s) and take all necessary steps in furtherance thereof.
5. A certified copy of this resolution and the Township 's Fourth Round Housing Element and Fair Share Plan shall remain on file with the Township Clerk's Office for the purpose of public inspection, and shall be uploaded to the Township's website by the Township's Municipal Clerk.
6. The Township further reserves the right to amend the Fourth Round Housing Element and Fair Share Plan, should such further amendments be required or necessary.
7. This Resolution shall take effect immediately; and


Karen J. Carnevale, R.M.C., Municipal Clerk


Susan Scarpa, Council President

Adopted: February 10, 2026