

RESOLUTION 113-2025
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
EAST GREENWICH ENDORSING A FOURTH ROUND HOUSING
ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Township of East Greenwich (hereinafter the “Township” or “East Greenwich”) 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, 2025, the Township of East Greenwich 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 “binding resolution” accepting the DCA-calculated Present Need and calculating its own Prospective Need, as required by the Amended FHA, on January 28, 2025, establishing its Fourth Round Present Need of zero (0) and Prospective Need of 108; 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 29, 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 an objection to its Fourth Round affordable housing obligations established in the DJ Complaint and resolution by the statutory deadline of February 28, 2025, which required a settlement negotiation between the Township and the objector; and

WHEREAS, the settlement negotiations failed to result in a Mediation Agreement between the Township and the objector; and

WHEREAS, the Program Judge and Special Adjudicator issued a Report of Findings, which was sent to the Superior Court for review, opining that the Township's Prospective Need should be 130; and

WHEREAS, the Superior Court agreed with the Program's findings and on May 5, 2025, entered an Order establishing the Township's Fourth Round Present Need of zero (0) and Prospective Need of 130; and

WHEREAS, now that the Township has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt 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, 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 Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024, which stated that the Fourth Round Housing Element and Fair Share Plan should be endorsed by the municipal governing body; and

WHEREAS, the Township Committee wishes to endorse the Fourth Round Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Greenwich, County of Gloucester, State of New Jersey, as follows:

1. The Township Committee hereby endorses the Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the Township's Planning Board on June 17, 2025.
2. The Township Committee hereby directs the Township's Affordable Housing Counsel to (a) file with the Program and the Court, the Fourth Round Housing Element and Fair Share Plan if it has not done so already, along with any additional documents the professionals deem necessary or desirable and (b) seek Program and Court approval of the Fourth Round Housing Element and Fair Share Plan via a Compliance Certification.
3. The Township reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.

ADOPTED at a meeting of the Township Committee of the Township of East Greenwich held on the 24th day of June 2025.

TOWNSHIP OF EAST GREENWICH

BY:


JAMES R. PHILBIN, JR, Mayor

ATTEST:


ELIZABETH A. MCGILL, Township Clerk

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of East Greenwich at a regular meeting held on the 24th day of June 2025.


Municipal Clerk