

## BOROUGH OF Chester

Resolution #R2025-96

### RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CHESTER ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE CHESTER LAND USE BOARD

**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 "FHA II"); and

**WHEREAS**, FHA II established a procedure by which municipalities can secure approval of a Housing Element and Fair Share Plan ("HEFSP"); and

**WHEREAS**, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution and then filing a HEFSP by June 30, 2025 and filing that plan within 48 hours with the Affordable Housing Dispute Resolution Program (the "Program"); and

**WHEREAS**, in accordance with this statutory procedure, the Borough adopted a binding resolution on January 28, 2025, committing to a Fourth Round Present Need of 10 and Round 4 Prospective Need obligation of 72, subject to applicable adjustments; and

**WHEREAS**, in accordance with this statutory procedure, the Borough filed a declaratory relief action within 48 hours from adoption of the binding resolution; 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 Court issued an Order on May 15, 2025, setting the Round 4 Present Need obligation of 10 and a Round 4 Prospective Need obligation of 72; and

**WHEREAS**, the Borough's affordable housing planning consultant, David Banisch, PP has prepared a HEFSP to address the Borough's affordable housing obligations under FHA II; and

**WHEREAS**, the Chester Borough Land Use Board adopted a HEFSP prepared by Mr. Banisch on June 27, 2025, which is attached hereto as Exhibit A; and

**WHEREAS**, in accordance with the procedure established by FHA II, the Borough's affordable housing counsel shall file the duly adopted HEFSP with the Program created by FHA II within 48 hours from adoption; and

**WHEREAS**, the Borough Council now wishes to endorse the Housing Element and Fair Share Plan adopted by the Chester Land Use Board and seek approval of the HEFSP by the Program and Court.


**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Chester, County of Morris, State of New Jersey, as follows:

1. The Borough Council hereby endorses the Fourth Round HEFSP previously adopted by the Chester Land Use Board and attached hereto.
2. The Borough Council hereby directs the Borough's Affordable Housing Counsel to (a) file this resolution with the Program, along with any additional documents the professionals deem necessary or desirable; and (b) seek a Compliance Certification from the Program or Vicinage area judge as may be appropriate formally approving the Plan.
3. The Borough reserves the right to further amend the HEFSP attached hereto, should that be necessary.

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### CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Council of Chester Borough at a special joint meeting held on the 27<sup>th</sup> day of June 2025.

  
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 Dena Dziergoski, Acting Clerk

Name	Aye	Nay	Absent	Abstain
Dominianni	X			
Ferrone	X			
Goodwin	X			
Heil	X			
Holman	X			
Marshuetz	X			

