

TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY
2025
RESOLUTION NO. 280

A motion was made by Michael Fattal seconded by Jill Sasso that the following resolution be adopted:

**RESOLUTION ENDORSING THE 2025 HOUSING
ELEMENT AND FAIR SHARE PLAN ADOPTED BY
THE TOWNSHIP OF WAYNE PLANNING BOARD ON
JUNE 30, 2025**

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. 52:27D301 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 ("COAH"), 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, the Township of Wayne has duly filed an action with the Affordable Housing Dispute Resolution Program ("Program"), which action is entitled "In The Matter Of The Application Of The Township Of Wayne, A Municipal Corporation Of The State Of New Jersey And The Planning Board Of The Township Of Wayne", filed under docket number PAS-L-000288-25 on or about January 23, 2025 ("2025 Action"); and

WHEREAS, the FHA-2 requires, among other things, that municipalities prepare and adopt a Housing Element & Fair Share Plan on or before June 30, 2025; and

WHEREAS, as a result of the passage of the FHA-2 and pursuant thereto, The Township of Wayne ("Wayne" or "Township"), by way of duly adopted Resolution 58 of 2025, adopted at public hearing of January 22, 2025, and duly filed/uploaded to the Court (and thus to the State's Affordable Housing Dispute Resolution Program) as part of the 2025 Action, and committed to adopting a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") by June 30, 2025 and adopting the Township's precredited/unadjusted Fourth Round affordable housing obligations; and

WHEREAS, on March 20, 2025, Passaic County Mount Laurel Judge, the Honorable Darren J. DelSardo, P.J.Cv., issued an Order on the recommendation of the assigned Program Member in the Township's 2025 Action, determining the Township to have a Round Four Present Need Obligation of 162 affordable units and a Round Four gross Prospective Need Obligation of 1,000 affordable units; and

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WHEREAS, the Township Planner and Planning Consultants prepared the Township's 2025 Housing Element & Fair Share Plan ("Fourth Round HEFSP") which was reviewed by the Planning Board of the Township of Wayne ("Board"); and

WHEREAS, the Planning Board of the Township of Wayne held a duly constituted public hearing on the 2025 Housing Element & Fair Share Plan on June 30, 2025,

WHEREAS, on timely prior notice to the public, on June 30, 2025, the Township of Wayne Planning Board adopted the Township's 2025 Housing Element and Fair Share Plan ("2025 HEFSP") following a public hearing thereon, all 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. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Township Council of the Township of Wayne has since reviewed the 2025 Housing Element and Fair Share Plan, and now desires to endorse the 2025 Housing Element and Fair Share Plan previously adopted by the Planning Board of the Township of Wayne on June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Wayne in the County of Passaic, and State of New Jersey, as follows:

1. The Township does hereby endorse the 2025 Housing Element and Fair Share Plan, as adopted by the Township of Wayne Planning Board on June 30, 2025, a copy of the 2025 Housing Element and Fair Share Plan and Wayne Township Planning Board resolution are annexed hereto at Exhibits "A" and "B" respectively.
2. The Township Attorneys are hereby directed to file the Township's 2025 Housing Element and Fair Share Plan, this resolution and all relevant supporting documentation and exhibits with the Program in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c. 2.
3. Should any challenge to the Township's 2025 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.
4. The Township Attorneys, Municipal Planners and all other appropriate officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township maintains its immunity from exclusionary zoning and builder's remedy.
5. A certified copy of this resolution and the Township's 2025 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 in accordance with the requirements of the FHA and Directive #14-24.
6. The Township further reserves the right to amend the 2025 Housing Element and Fair Share Plan, should such further amendments be required or necessary.
7. This Resolution shall take effect immediately; and

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BE IT FURTHER RESOLVED that the Township Clerk shall publish this action once in the Herald News.

ROLL CALL:

AYES: Michael Fattal, Richard Jasterzbski, Francine Ritter,
Jill Sasso

NAYS: Al Sadowski

ABSTAIN: None

ABSENT: Jonathan Ettman, Joseph Scuralli, David Varano,
Jason DeStefano

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF THE RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WAYNE AT ITS REGULAR MEETING HELD ON JULY 16, 2025.



PAUL V. MARGIOTTA
TOWNSHIP CLERK

