

**RESOLUTION NO. 2025-050**

**BOROUGH OF SOUTH BOUND BROOK**

**RESOLUTION OF THE BOROUGH COUNCIL ENDORSING THE ADOPTED  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**HEARING DATE: June 24, 2025**

**MEMORIALIZED: June 24, 2025**

**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 Borough of South Bound Brook (“Borough”) adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 14, 2025, established its Fourth Round Present Need of 67 and Prospective Need of 22; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Borough 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 16, 2025; and

**WHEREAS**, the filing of the Complaint gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in force and effect; and

**WHEREAS**, on March 26, 2025, the Court entered an Order establishing the Borough's Fourth Round Present Need of 67 and Prospective Need of 22; and

**WHEREAS**, now that the Borough 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 Borough's affordable housing

planners, Malvika Apte, PP AICP, and Nathan Foote, PP AICP, drafted a Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, on June 3, 2025, the Joint Planning/Zoning Board and the Borough Council held a special meeting during which Malvika Apte, PP AICP, presented the Borough's Fourth Round Housing Element and Fair Share Plan to the Board, the Council, and members of the public; and

**WHEREAS**, the Joint Planning/Zoning Board held a public hearing on the Borough's Fourth Round Housing Element and Fair Share Plan on June 18, 2025, and adopted the Fourth Round Housing Element and Fair Share Plan by a Resolution that same night; and

**WHEREAS**, the Borough's Affordable Housing Counsel filed the adopted Fourth Round Housing Element and Fair Share Plan within 48 hours of its adoption by the Joint Planning/Zoning Board, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a);

**WHEREAS**, the Borough Council wishes to endorse the Fourth Round Housing Element and Fair Share Plan and seeks approval of the Fourth Round Housing Element and Fair Share Plan by the Program and Court;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of South Bound Brook, County of Somerset, State of New Jersey, as follows:

1. The Borough Council hereby endorses the Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, which was adopted by the Borough's Joint Planning/Zoning Board on June 18, 2025.
2. The Borough Council hereby directs the Borough's Affordable Housing Counsel to seek Program and Court approval of the Fourth Round Housing Element and Fair Share Plan by Compliance Certification, and to take whatever actions are necessary to maintain the Borough's immunity from all Mount Laurel exclusionary zoning lawsuits.

3. The Borough reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.

**CERTIFICATION**

I, Christina Fischer, Registered Municipal Clerk, of the Borough of South Bound Brook, in the County of Somerset, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of South Bound Brook held on June 24, 2025.



**Christina Fischer, RMC**