

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF  
BERKELEY HEIGHTS ADOPTING A FOURTH ROUND HOUSING  
ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Township of Berkeley Heights (hereinafter the “Township” or “Berkeley Heights”) 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, 2015, the Township of Berkeley Heights 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 Final 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” challenging the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 21, 2025, establishing a Present Need (Rehabilitation) Obligation of Zero (0) and a Fourth Round Prospective Need Obligations of 208; 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 23, 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 objections to its Fourth Round affordable housing obligations established in the DJ Complaint and resolution on February 27, 2025 from the New Jersey Builder’s Association (NJBA) and February 28, 2025 from Fair Share Housing Center (FSHC), which required settlement negotiations between the Township and the objectors; and

**WHEREAS**, the settlement negotiations resulted in the entering into of a Mediation Agreement between the Township and FSHC that established agreed upon adjusted Fourth Round obligations, which was subsequently approved via a resolution adopted by the Township on March 18, 2025; and

**WHEREAS**, on April 14, 2025, the Court entered an order establishing the Township's Present Need Obligation of Zero (0) and Fourth Round Prospective Need Obligation of 240; 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, which is attached hereto as Exhibit A; and

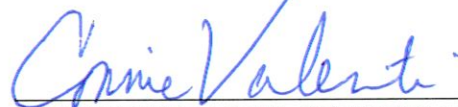
**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 25, 2025; and

**WHEREAS**, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's current Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Township of Berkeley Heights at a regular meeting held on the 25th day of June, 2025.



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CONNIE VALENTI, SECRETARY  
PLANNING BOARD  
TOWNSHIP OF BERKELEY HEIGHTS  
STATE OF NEW JERSEY