

**RESOLUTION OF THE PLANNING BOARD OF THE CITY OF SUMMIT
ADOPTING A FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE
PLAN**

WHEREAS, the City of Summit (hereinafter the “City” or “Summit”) 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 City of Summit 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 City 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 City adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 21, 2025, establishing its Fourth Round Present Need of 59 and Prospective Need of 345; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the City 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 22, 2025; and

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

WHEREAS, the City did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the City’s Fourth Round obligations on March 1, 2025; and

WHEREAS, on March 28, 2025, the Court entered an order establishing the City’s Fourth Round Present Need of 59 and Prospective Need of 345; and

WHEREAS, now that the City 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 City's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; 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 23, 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 City'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; and

WHEREAS, the Planning Board recommends by this resolution that the Mayor and Common Council of the City of Summit endorse the 2025 HEFSP; and

WHEREAS, the Planning Board reserves the right to amend the 2025 HEFSP, if necessary, in accordance with the Fair Housing Act and applicable procedures established in Administrative Directive #14-24.

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of June 2025, that the Planning Board of the City of Summit, County of Union, State of New Jersey, hereby adopts the Fourth Round Housing Element and Fair Share Housing Plan attached hereto as Exhibit A and recommends that the Mayor and Common Council endorse the Fourth Round Housing Element and Fair Share Plan and implement same; and

BE IT FURTHER RESOLVED that this resolution and the Fourth Round Housing Element and Fair Share Plan be filed with the Superior Court within 48 hours of adoption by the Planning Board but no later than June 30, 2025; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Office of Planning Advocacy and to the Union County Planning Board, together with a copy of said adopted Fourth Round Housing Element and Fair Share Plan, within 30 days of the date of adoption of this resolution.

The undersigned Chairperson of the City of Summit Planning Board hereby certifies that the above is a true copy of a Resolution adopted by the Board at its meeting on June 23, 2025.

CITY OF SUMMIT
PLANNING BOARD



Jennifer Balson-Alvarez, Vice-Chair
City of Summit Planning Board

I, Jessica Sands, Secretary of the Planning Board of the City of Summit, in the County of Union, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution passed at a regular meeting of the City of Summit held on June 23, 2025.

CITY OF SUMMIT
PLANNING BOARD



Jessica Sands, Secretary
City of Summit Planning Board