

RESOLUTION

HOUSING ELEMENT AND FAIR SHARE PLAN FOR 2025-2035 (FOURTH ROUND)

- WHEREAS, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2 into law (“Amended Act”), establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the State’s Fair Housing Act and New Jersey Supreme Court’s Mount Laurel doctrine; and
- WHEREAS, per the Amended Act, the Township adopted a binding resolution establishing its present and prospective affordable housing obligation in accordance with the methodology and formula set forth in the Amended Act; and
- WHEREAS, in order for the Township to maintain immunity from exclusionary zoning litigation, it also filed a declaratory judgment action (“DJ Action”) in order to participate in the Program established by the Amended Act and seek an order of compliance with the new law and the Mount Laurel doctrine; and
- WHEREAS, certain parties, including Fair Share Housing Center, via answers to the DJ Action, challenged the Township’s determination of its present and prospective affordable housing obligation, asserting that the Township’s numbers should be higher; and
- WHEREAS, in accordance with the procedures established by the Amended Act and Directive #14-24 of the Administrative Office of the Courts, the parties entered into a mediation process presided over by one of the Mount Laurel judges assigned to the program established to resolve disputes, the Affordable Housing Dispute Resolution Program (the “Program”), Judge Mary Jacobson, J.S.C. (Ret.); and
- WHEREAS, in order to settle the matter within the timeframe required by the Amended Act and to avoid costly and protracted litigation, the Township agreed to settle the matter with FSHC and accept a higher number of affordable housing units than as set forth in its resolution (“Settlement Agreement”), subject to its right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP) when it came to preparing the Township’s 2025-2035 Housing Element and Fair Share Plan (“HEFSP”); and
- WHEREAS, on April 1, 2025, Judge Jacobson entered the recommendation of the Program to the Superior Court, the Hon. Robert Lougy, A.J.A.C. presiding, for the Court to accept the Township’s Settlement Agreement with FSHC and reject the other objectors’ challenges; and

WHEREAS, the Superior Court, in an Order dated April 8, 2025 (“Order Approving Settlement Agreement”), accepted and adopted the Program’s recommendations and the terms of the Settlement Agreement and rejecting the other objectors’ challenges, which Order authorized the Township to proceed to the compliance phase and prepare and adopt its HEFSP by June 30, 2025, in accordance with the timeframe established by the Amended Act, and the Township did so; and

WHEREAS, the Township has prepared a revised HEFSP and Appendices in accordance with the Amended Act, with considerable input from its planners, Municipal staff, and attorneys; and

WHEREAS, A hearing of the West Windsor Township Planning Board to consider adopting the HEFSP was duly noticed and held on February 4, 2026; and

WHEREAS, the Planning Board duly adopted the HEFSP at the meeting on February 4, 2026; and

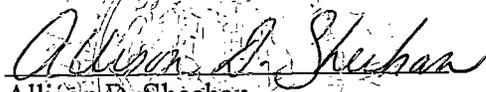
WHEREAS, the HEFSP is in conformance with the Settlement Agreement and the Order Approving Settlement Agreement and with a further Settlement Agreement with FSHC approved by the Township on January 26, 2026; and

WHEREAS, it is in the best interest of the Township for the Township Council to endorse the HEFSP.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of February 2026 that the 2025-2035 Housing Element and Fair Share Plan is endorsed by the West Windsor Township Council.

ADOPTED: February 4, 2026

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 4th day of February, 2026.


Allison D. Sheehan
Township Clerk
West Windsor Township

