

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

RESOLUTION #R2025-96

**RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY, ENDORSING THE 2025 HOUSING ELEMENT AND
FAIR SHARE PLAN ADOPTED BY TOWNSHIP OF ANDOVER LAND USE BOARD
ON JUNE 3, 2025.**

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 ("FHA" or "FHA-2"); and

WHEREAS, 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, amongst other things, Directive #14-24 and P.L. 2024, c. 2, require each municipality to adopt a binding resolution setting forth its Fourth-Round present and prospective need obligations and file a declaratory judgment action with the Program through the New Jersey e-courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

WHEREAS, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of Andover timely adopted a resolution setting forth the Township's pre-credited/unadjusted Fourth Round affordable housing obligations on January 16, 2025 and on January 20, 2025 the Township uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled: In re Township of Andover, Docket No.: SSX-L-000041-25 (Township's "2025 Action"); and

WHEREAS, on April 24, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township's 2025 Action fixing the Township's Fourth Round pre-credited/unadjusted Present Need Obligation at eleven (11) and the Township's Fourth Round gross Prospective Need Obligation at sixty-nine (69), and which Order further directs the Township to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

WHEREAS, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Allen in the Township's 2025 Action, the Township's Municipal Planner has since prepared the Township's 2025 Housing Element and Fair Share Plan; and

WHEREAS, on timely prior notice to the public, on June 3, 2025, the Township of Andover Land Use Board adopted the Township's 2025 Housing Element and Fair Share Plan 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 Committee of the Township of Andover has since reviewed the 2025 Housing Element and Fair Share Plan, and now desires to endorse the 2025 Housing Element and Fair Share Plan, as previously adopted by the Township of Andover Land Use Board on June 3, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Andover, in the County of Sussex, and State of New Jersey, as follows:

1. The Township does hereby endorse and approve the 2025 Housing Element and Fair Share Plan adopted by the Township of Andover Land Use Board on June 3, 2025.
2. The Township Municipal Attorney is 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 Fourth Round 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 Municipal Attorney, Municipal Planner 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 for the purpose of public inspection, and the Township Municipal Clerk is directed to upload this Resolution and the 2025 Housing Element and Fair Share Plan to the Township's website in accordance with the requirements of the FHA and Directive #14-24.
6. Notice of this action shall be published in the official newspapers for the Township of Andover.
7. This Resolution shall take effect immediately

CERTIFICATION

I, Patricia L. Bussow, Municipal Clerk of the Township of Andover, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Andover Township Committee at its meeting held on June 5, 2025.


 Patricia L. Bussow, RMC
 Municipal Clerk/Administrator