

RESOLUTION NO. 171 - 2025

RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON
AUTHORIZING EXECUTION OF MEDIATION AGREEMENT FOR THE FOURTH ROUND
AFFORDABLE HOUSING DECLARATORY JUDGMENT ACTION, IN DOCKET NO.: GLO-L-93-25
TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER

WHEREAS, in 1975 the Supreme Court of New Jersey in *South Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 67 N.J. 151 (1975), ruled that the developing Municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low and moderate income housing needs ("Mount Laurel Doctrine"); and

WHEREAS, in 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act ("FHA") N.J.S.A. 52:2D-301 et seq. which transformed the Mount Laurel Doctrine into a statutory obligation and provided an alternative administrative process in which municipalities could elect to participate in order to adopt a Housing Element and Fair Share Plan ("HEFSP") and implementing ordinances that would satisfy the Mount Laurel Obligation in exchange for immunity from builder's remedy lawsuits; and

WHEREAS, on March 20, 2024, the New Jersey Legislature amended the FHA by way of P.L. 2024, c.2, to create a new Affordable Housing Dispute Resolution Program (the "Program") to facilitate the resolution of affordable housing obligations for the period between July 1, 2025 and June 30, 2035, known as the "Fourth Round" and for each ten-year interval thereafter; and

WHEREAS, in compliance with the new amendments to the FHA, on January 22, 2025, the Township filed a Declaratory Judgment Action with the Program under the caption *In the Matter of the Township of Harrison's Determination of 4th Round Affordable Housing Obligations*, Docket No: GLO-L-000093-25 ("Fourth Round Litigation"); and

WHEREAS, the Court entered an order on April 24, 2025, setting the Township's Fourth Round fair share obligations at a Present Need of 40 units and a Prospective Need of 306 units, which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Township adopted HEFSP for the Fourth Round and filed its adopted HEFSP with the Program on June 20, 2025 ("Adopted HEFSP"); and

WHEREAS, Fair Share Housing Center ("FSHC") filed a challenge to the Adopted HEFSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) on August 28, 2025 ("FSHC Challenge"), and Mullica Hill Subdivision LLC ("MHS"), the owner of property known as Block 45, Lot 16 (the "Visalli Tract") filed a challenge to the Adopted HEFSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) on August 29, 2025 ("MHS Challenge"); and

WHEREAS, MHS also filed a lawsuit was captioned Mullica Hill Subdivision, LLC v. Joint Land Use Board of the Township of Harrison, GLO-1072-25 (the "PW Litigation"), challenging the Harrison Township Land Use Board's (the "Board") denial of preliminary subdivision approval for an inclusionary project consisting of 508 total residential units that included 102 Affordable Units ("Inclusionary Development"), and also filed a Motion to Intervene and Enforce Litigant's Rights in the Township's Third Round Mount Laurel Declaratory Judgment Action, captioned In the Matter of the Application of the Township of Harrison in Gloucester County, Docket No. GLO-L-908-15 (the "Third Round Litigation

Motions”) alleging that the denial of the preliminary subdivision approval violated the Settlement Agreement executed between FSHC and the Township in that matter; and

WHEREAS, as part of the Fourth Round Litigation, when challenges are filed to HEFSPs, the parties are required to participate in a mediation with the Program to attempt to facilitate resolution of the challenges; and

WHEREAS, the Township, MHS, FSHC and the Board all participated in a joint mediation session with the Program, which resulted in Mediation Agreement pursuant to which the parties agreed to amicably resolve all of the issues in the Fourth Round Litigation, the PW Litigation and the Third Round Litigation Motions (“Mediation Agreement”); and

WHEREAS, the Harrison Township has determined that it is in the best interests of the Township to enter into the Mediation Agreement and to submit the same to for approval in the Fourth Round Litigation, so that the Township may receive a revised declaration of its compliance with the Mount Laurel doctrine and the FHA; and


NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Harrison, as follows:

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length.
2. The Township Committee does hereby authorize the execution of the attached Settlement Agreement by and between the Township of Harrison and Fair Share Housing Center (“Settlement Agreement”).
3. The Township Committee does hereby authorize the Mayor and/or Township Administrator and the Township Clerk to execute the attached Settlement Agreement and any other documents necessary in conjunction therewith.
4. Maley Givens, P.C. is hereby directed to submit this Mediation Agreement to the Affordable Housing Alternative Dispute Resolution Program and the Court for review and approval in accordance with the terms set forth therein.
5. The Township Clerk is directed to publish a copy of the executed Mediation Agreement on the Township's website.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

ADOPTED at a regular meeting of the Mayor and Committee of the Township of Harrison, County of Gloucester, State of New Jersey held on December 15, 2025.

TOWNSHIP OF HARRISON

BY: 
J. ADAM WINGATE, MAYOR

ATTEST:


JULIE CUNDEY, Municipal Clerk

ROLL CALL VOTE				
COMMITTEE MEMBER	AYES	NAYS	ABSTAIN	ABSENT
Wingate	✓			
Moore	✓			
Jacques	✓			
French	✓			
Coakley	✓			

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, at a regular meeting held by the same on December 15, 2025, in the Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062.


 JULIE CUNDEY, Municipal Clerk