

**BOROUGH OF BERNARDSVILLE  
RESOLUTION #25-131**

**RESOLUTION ENDORSING THE FOURTH ROUND HOUSING ELEMENT AND FAIR  
SHARE PLAN ADOPTED BY THE BOROUGH PLANNING BOARD ON JUNE 26, 2025**

**WHEREAS**, the Bernardsville Borough Council adopted Resolution #25-30 on January 27, 2025, committing to DCA's Fourth Round Affordable Housing Present Need and Prospective Need Numbers and authorizing the Borough Attorney to file a declaratory judgment action with the Superior Court of New Jersey seeking a Certification of Compliance with the Fair Housing Act pursuant to the amendments to the Fair Housing Act (P.L. 2024, c. 2), and Directive #14-24 issued by the Administrative office of the Courts on December 13, 2024; and

**WHEREAS**, in furtherance of Resolution #25-30, the Borough Attorney filed a Declaratory Judgement Complaint with the Superior Court of New Jersey, Law Division, Somerset County, , at Docket No. 000147-25, on January 29 2025, seeking:

- a) An Order exercising jurisdiction over the compliance by Bernardsville Borough with the Fair Housing Act as amended by P.L. 2024, c.2, and Directive 14-24, and
- b) An Order declaring that Bernardsville Borough's present and prospective affordable housing obligation is 0 units present need and 113 units prospective need, as set forth in the binding resolution adopted by the Borough Council on January 27, 2025, which is attached hereto as Exhibit "A" and which is incorporated herein by reference.
- c) A Certificate of Compliance and Immunity from Exclusionary Zoning Litigation in accordance with the Fair Housing Act as amended by P.L. 2024, c.2 and the Directive. Judgment of Compliance and Repose for a period of ten (10) years from its date of entry.
- d) An Order granting temporary immunity from third party lawsuits against Bernardsville Borough from the date of the filing of the instant Declaratory Judgment action until this Court issues a Final Judgment of Compliance to the Borough for its HEFSP formulated, adopted and approved in accordance with the applicable formula and methodology established by the Fair Housing Act, as amended by P.L. 2024, c.2.

**WHEREAS**, , the Honorable William Mennen issued an Order on March 26, 2025, Fixing [Bernardsville's] Obligations For "Present Need" And "Prospective Need' For The Fourth Round Housing Cycle as follows:

- a) That the present need obligation of the Municipality, be, and hereby is fixed as 0 affordable units for the Fourth Round housing cycle.
- b) That the prospective need obligation of the Municipality, be, and hereby is fixed as 113 affordable units for the Fourth Round Housing cycle; and
- c) That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025; and

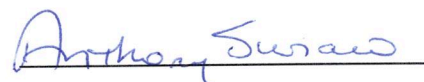
**WHEREAS**, on June 26, 2025, the Borough Planning Board adopted the Borough's Fourth Round Housing Element and Fair Share Plan at a duly noticed public hearing; and

**WHEREAS**, the Borough Council has reviewed the Fourth Round Housing Element and Fair Share Plan adopted by the Planning Board and has concluded that it is in the best interest of the Borough and its residents to endorse it.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Bernardsville, in the County of Somerset, State of New Jersey as follows:

1. The Borough Council does hereby endorse the Fourth Round Housing Element and Fair Share Plan adopted by the Bernardsville Planning Board on June 26, 2025.
2. In accordance with the requirements of Directive#14-24, the Borough Attorney is hereby directed to file the adopted Housing Element And Fair Share Plan with the Program within 48 hours after adoption of this Resolution or by June 30, 2025, whichever is sooner.
3. If a challenge to the Borough's Fourth Round Housing Element and Fair Share Plan is filed, the Borough Attorney and the Borough Planner are hereby directed to take all steps reasonably necessary to defend the Borough against such challenge.
4. The Borough Attorney, Borough Planner and all other Borough officials and consultants are hereby authorized and directed to take any and all steps necessary to carry out the purposes of this Resolution so that the Borough maintains its immunity from exclusionary zoning and builder's remedy lawsuits.
5. The Borough Clerk is directed to maintain a certified copy of this Resolution and the Borough's Fourth Round Housing Element and Fair Share Plan for the purpose of public inspection, and is further directed to upload a certified copy of this Resolution and Borough's Fourth Round Housing Element and Fair Share Plan to the Borough'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 Borough of Bernardsville.
7. This Resolution shall take effect immediately

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held June 27, 2025.

  
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