



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
RESOLUTION #26-69**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FLORHAM PARK
IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING AN “AFFIRMATIVE
MARKETING PLAN”**

WHEREAS, the Amended Fair Housing Act (P.L. 2024), created a new process for municipalities to come into constitutional compliance with their affordable housing obligations, and which the Borough of Florham Park filed a Declaratory Judgement action, MRS-L-157-25, on January 21, 2025 to participate in that process; and

WHEREAS, the Borough has a Fourth Round obligation of 305, as set forth in the Order by the Hon. Janine M. Allen, JSC filed April 29, 2025; and

WHEREAS, the Borough of Florham Park Planning Board adopted the Housing Element and Fair Share Housing Plan (HEFSP) of the Borough of Florham Park Master Plan, dated June 11, 2025, on June 23, 2025; and

WHEREAS, the Borough participated in Settlement hearings and Session hearings before the Affordable Housing Dispute Resolution Program (“the Program”) and the presiding Program judge over the case, the Hon. Menelaos W. Toskos, on November 13, 2025, December 19, 2025, and December 29, 2025; and

WHEREAS, as a result of the Program, the Borough worked in good faith and resolved the challenged issues with FSHC via a negotiated Mediation Agreement, which was fully executed by both parties on December 31, 2025; and

WHEREAS, the Mediation Agreement setting forth the agreed upon requirements in order to receive a compliance certification of its Fourth Round HEFSP was executed with FSHC on December 30, 2025; and

WHEREAS, the Mediation Agreement stipulates that the Borough update its Affirmative Marketing Plan and other administrative documents in accordance with recently adopted Uniform Housing Affordability Control Regulations, N.J.A.C. 5:80-26.1 et seq., and Fourth Round Affordable Housing Regulations, N.J.A.C. 5:99-1.1 et seq.; and

WHEREAS, in accordance with P.L. 2024, Chapter 2 and the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26.1 et seq.), the Borough of Florham Park is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 3, comprising Essex, Morris, Union, and Warren Counties, and therefore encompassing the Borough of Florham Park.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Florham Park, County of Somerset, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:



Affirmative Marketing Plan

- A. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Florham Park is located in Housing Region 2, consisting comprising Essex, Morris, Union, and Warren Counties.
- B. The Borough of Florham Park has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality's Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Florham Park, or the Administrative Agent of any specific developer approved by the municipality. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
- D. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- E. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days prior to expected occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.



- F. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period of affordability restrictions. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of Florham Park or on behalf of a specific developer, shall meet the following requirements at a minimum:
1. The primary marketing and advertising must be employed at the start of the marketing program and continue until all units are leased or sold or until the number of applications received is at least three times the number of units. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 2. The advertisements shall, at a minimum, include:
 - a. The name and location of the housing project;
 - b. An address sufficient to find directions to the housing units;
 - c. A range of prices or rents for the affordable housing units;
 - d. The sizes, as measured in number of bedrooms of the affordable housing units;
 - e. The types (that is, family, age-restricted, or supportive) and number of affordable units available;
 - f. The number of units available to very low-, low-, and moderate-income households;
 - g. The accessibility features, if any, of the affordable housing units;
 - h. The maximum income permitted to qualify for the affordable housing units;
 - i. The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)2;
 - j. Where applications (paper and online) for the affordable housing units may be found;
 - k. The expected lease-up/closing date(s) for the affordable housing units;
 - l. The expected date of the random selection;
 - m. The business hours when interested households may obtain paper applications for the affordable housing units;
 - n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
 - o. The name of the sales agent and/or rental manager; and
 - p. Application fees, if any.
 3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules. All newspaper articles, announcements and requests for application for low and moderate income units shall appear in the Florham Park Reporter and the Daily Record.
 4. Each affordable housing development must complete worksheet substantially in the form of the model affirmative marketing worksheet published by the state.



5. Affordable units must be listed on the New Jersey Housing Resource Center's website (www.njhrc.gov) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
 6. Applications, or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
 - i. Borough Municipal Building
111 Ridgedale Avenue, Florham Park, New Jersey 07932
 - ii. Florham Park Public Library
107 Ridgedale Ave, Florham Park, NJ 07932
 - iii. Borough Website
<https://www.florhamparknj.gov/>
 - iv. Developer's Sales/Rental Office
 - v. Morris County Administration Building
10 Court St, Morristown, NJ 07960
- Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.
7. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Essex, Morris, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers. As provided under the December 30, 2025 Mediation Agreement with FSHC, that list shall also include Fair Share Housing Center, New Jersey State Conference of NAACP The Latino Action Network, East Orange NAACP, Newark NAACP, Morris County NAACP, Elizabeth NAACP, Morris County NAACP, Supportive Housing Association. Additionally, the affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
 8. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.
- G. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(d). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2 comprised of Essex, Morris, Union, and Warren Counties.



H. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of the Borough of Florham Park, County of Morris, State of New Jersey, as follows:

1. The Borough of Florham Park hereby adopts an Affirmative Marketing Plan;
2. The Borough Clerk and all appropriate officials, employees and professionals of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

Council Approval: March 11, 2026



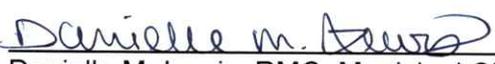
Mark Taylor, Mayor

Attest:



Danielle M. Lewis, RMC, Municipal Clerk

I HEREBY CERTIFY this to be a true and correct Resolution of the Mayor and Borough Council of the Borough of Florham Park, and adopted on March 11, 2026.



Danielle M. Lewis, RMC, Municipal Clerk