



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
RESOLUTION #26-70**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FLORHAM PARK
IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ENDORSING THE BOROUGH'S
AMENDED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**

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-2”); and

WHEREAS, amongst other things, 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-2 and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which began 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 come into compliance with the FHA-2 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, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Borough of Florham Park timely filed a declaratory judgment action with the Program on January 21, 2025, which is entitled In re Borough of Florham Park, Docket No.: MRS-L-157-25 (Borough’s “2025 Action”); and

WHEREAS, on April 29, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Borough’s 2025 Action fixing the Borough’s Fourth Round pre-credited/unadjusted Present Need Obligation at “66” and gross Prospective Need Obligation at “305” and directed the Borough 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 above-referenced Order issued by Judge Allen, the Borough’s Municipal Planner prepared the Borough’s 2025 Housing Element and Fair Share Plan, dated June 11, 2025 (“2025 HEFSP”); and

WHEREAS, on timely prior notice to the public, on June 23, 2025 the Borough of Florham Park Planning Board adopted the Borough’s 2025 HEFSP following a public hearing thereon, and on June 25, 2025 the Mayor and Borough Council adopted a resolution endorsing the 2025 HEFSP; and

WHEREAS, following same the Borough timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements of the FHA-2; and

WHEREAS, thereafter Fair Share Housing Center (FSHC) and various developers filed challenges to the Borough’s HEFSP; and



WHEREAS, the Borough subsequently participated in good faith in the Program process established under FHA-2 to address various challenges to the Borough's 2025 HEFSP, including settlement hearings and Session hearings before Program Judge the Hon. Menelaos W. Toskos, P.J. CH. (Ret.) on November 13, 2025, December 19, 2025, and December 29, 2025; and

WHEREAS, as a result of the Program process, the Borough was able to resolve the challenged issues with FSHC and reached a Negotiated Mediation Agreement with FSHC, which was approved by the Mayor and Borough Council by Resolution #25-273 and fully executed by both parties on December 31, 2025 ("Settlement"); and

WHEREAS, following review of the Settlement, the Court Appointed Special Adjudicator issued a written report finding that the terms of the Settlement, and Judge Toskos issued a Program Decision Recommendation on February 5, 2026; and

WHEREAS, both the Court Appointed Special Adjudicator and Judge Toskos found that that the terms of the Settlement to be fair, reasonable and adequately protect the interest of low and moderate-income residents, constitutional compliant, and provide a fair and reasonable opportunity for the Borough to meet its obligations under the FHA-2 and *Mount Laurel* doctrine; and

WHEREAS, Judge Toskos further recommended an Order be issued by the County Mount Laurel Judge directing that the challenges filed by Columbia Corporate Center Development Associates LLC, Florham Park Realty Associates LLC, 30 Florham Associates LLC, Automatic Data Processing, Inc., 70-76 Passaic Avenue LLC, 23 Vreeland Road LLC and Sun Valley Plaza LLC be dismissed; and

WHEREAS, in addition, the Settlement and Judge Toskos' Program Decision Recommendation require that the Borough adopt amendments to its 2025 HEFSP and its implementing ordinances and resolution and file same with the Court on or before March 15, 2026 as conditions of the Borough securing a Certification of Compliance and Repose from the Court; and

WHEREAS, pursuant to the FHA-2, the issuance of a Certification of Compliance and Repose from the County Mount Laurel Judge, entitles a compliant municipality to continued immunity from exclusionary zoning and builder's remedy litigation for the remaining 10-year Fourth Round; and

WHEREAS, the Township Planner has since prepared an Amended Fourth Round Housing Element and Fair Share Plan in accordance with the Settlement and Judge Toskos' Program Decision Recommendation; and

WHEREAS, on timely prior notice to the public, on February 9, 2026, the Borough of Florham Park Planning Board adopted the Borough Amended Fourth Round 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, importantly, with respect to the Borough's prior official actions to protect and preserve its existing affordable family rental housing stock, in accordance with the Settlement reached between the Borough and FSHC, the Amended Fourth Round Housing Element and Fair Share maintains, preserves and reserves all rights the Borough has to by virtue of extending the affordability controls on the following existing affordable family rental units within the Borough: (i) 75 affordable family rental units within the Sun Valley I inclusionary development located at Block 4201, Lot 29 in the Borough; (ii) 50 affordable family rental units within the Riverbend inclusionary development located at Block 42.01, Lots 26-27 in the Borough; and (iii) 30 affordable family rental units within the Woodfield Estates Phase 2 inclusionary development located at Block 1201, Lot 4; and

WHEREAS, the Mayor and Borough Council have since reviewed the Amended Fourth Round Housing Element and Fair Share Plan, and now desire to endorse the 2026 Amended Housing Element and Fair Share Plan previously adopted by the Planning Board of the Borough of Florham Park on February 9, 2026.

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

1. The Borough of Florham Park does hereby endorse the Amended Fourth Round Housing Element and Fair Share Plan, as adopted by the Borough of Florham Park Planning Board on February 9, 2026.
2. With respect to the Borough's preservation of the affordable family rental units at Sun Valley I, Riverbend and Woodfield Estates, the affordability controls on these family rental units were extended by official action of the Borough by adoption of ordinances #25-28, #25-29 and #25-30 on October 16, 2025, and nothing herein shall be construed as a waiver or relinquishment of the Borough's rights to claim credits and bonus credits for same.
3. The Borough's Special Affordable Housing Counsel and Borough Planner are hereby directed to file the Borough's Amended Fourth Round Housing Element and Fair Share Plan, this Resolution and all relevant supporting documentation and exhibits with the Court in the Borough's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2.
4. Should any objection to the Borough's Amended Fourth Round Housing Element and Fair Share Plan be filed, the Borough's Special Affordable Housing Counsel and Municipal Planner are hereby directed to defend the Borough against such objection(s) and take all necessary steps to secure a Certification of Compliance and Repose.
5. The Borough Municipal Attorney, Borough Special Affordable Housing Counsel and Municipal Planner and all other appropriate officials, employees and other professionals of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Borough secures a Certification of Compliance and Repose and maintains its immunity from exclusionary zoning and builder's remedy.



6. A certified copy of this Resolution and the Borough's Amended Fourth Round Housing Element and Fair Share Plan shall remain on file with the Borough Municipal Clerk's Office for the purpose of public inspection, and shall be uploaded to the Borough's website by the Borough's Municipal Clerk in accordance with the requirements of the FHA-2 and Directive #14-24.
7. The Borough further reserves the right to amend the 2026 Amended Housing Element and Fair Share Plan, should such further amendments be required or necessary.
8. Notice of this action shall be published electronically and in the official newspapers for the Borough Florham Park in accordance with law
9. 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