



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
RESOLUTION #26-71**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FLORHAM PARK
IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING AND/OR
REAFFIRMING THE BOROUGH’S REHABILITATION PROGRAM MANUAL, ACCESSORY
APARTMENT PROGRAM MANUAL, AFFORDABILITY ASSISTANCE PROGRAM POLICIES
AND PROCEDURES MANUAL, AND AFFORDABLE HOUSING ADMINISTRATIVE AGENT
POLICIES AND PROCEDURES MANUAL**

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) 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 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, Program Judge Toskos issued a Program Decision Recommendation on February 5, 2026, wherein Judge Toskos found 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, on March 9, 2026 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Borough's 2025 Action which incorporated and affirmed Judge Toskos' Program Decision Recommendation, and directed the Borough to adopt all amendments to the Borough's 2025 HEFSP and all implementing ordinances and resolutions and file same in the Borough's 2025 Action on or before March 16, 2026 as a condition of securing a Certification of Compliance and Repose; 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, in accordance with the Court's Order, the Borough of Florham Park Planning Board adopted the required amendments to the Borough's Fourth Round Housing Element and Fair Share Plan on February 9, 2026, which has since been approved/endorsed by the Borough Council on March 11, 2026 (hereinafter the "Amended Fourth Round HEFSP" or "Amended HEFSP"), and sets forth the Borough's plans and compliance mechanisms to meet its pre-credited/unadjusted Present Need Obligation of "66" and gross Prospective Need Obligation of "305"; and

WHEREAS, on December 15, 2025 the New Jersey Housing and Mortgage Finance Agency adopted amendments to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. ("UHAC") and the New Jersey Division of Local Planning Services (DLPS) adopted the Fair Housing Act Rules at N.J.A.C. 5:99-1 et seq.; and



WHEREAS, in furtherance of the Court's Order the Borough has since adopted updated affordable housing ordinances, an amended Fourth Round Spending Plan and a Fourth Round Affirmative Marketing Plan/Program, which are designed to implement and fulfill the constitutional, statutory and regulatory requirements of the Mount Laurel doctrine, the FHA, FHA-2, the UHAC, the Fair Housing Act Rules, New Jersey Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and the Borough's Amended Fourth Round HEFSP (hereinafter collectively the "Affordable Housing Laws"); and

WHEREAS, the Borough already has in place an existing Rehabilitation Program in place that was approved by the Court in the Borough's prior round affordable action in order to meet the Borough's Third Round Present Need Obligation (or "Rehabilitation Obligation"); and

WHEREAS, Borough's court approved Rehabilitation Program is supervised by and through the Morris County Community Development and Home Program pursuant to an existing Inter-local Services Agreement with Morris County, dated April 24, 2017, and which provides qualifying very-low, low- and moderate-income households within the Borough with assistance in completing essential home repairs in exchange for a deed restriction covering such properties receiving repairs for at least 10 years;

WHEREAS, in order to meet the Borough's Fourth Round Present Need, the Borough desires to continue its Rehabilitation Program through its participation in the Morris County Community Development and Home Program through the Borough's existing Inter-local Services Agreement with Morris County and proposes to update the

WHEREAS, the Mayor and Borough Council further desire to reaffirm the Borough's existing "Home Improvement Program, Policies and Procedures Manual" dated February 27, 2019, and update same, as necessary, to meet with the recent changes to the Affordable Housing Laws; and

WHEREAS, pursuant to the Borough's Amended HEFSP and Affordable Housing Spending Plan and the Borough's affordable housing ordinances, the Borough has established an Accessory Apartment Program and an updated Affordability Assistance Program; and

WHEREAS, the Mayor and Borough Council desire to adopt and approve the Borough's updated Accessory Apartment Program and Affordability Assistance Program, as set forth in the Borough's Amended HEFSP and Amended Affordable Housing Spending Plan; and

WHEREAS, the Borough has a professional services agreement with the Community Grants, Planning and Housing ("CGP&H"), pursuant to which the CGP&H provides trained New Jersey Certified Affordable Housing Administrative Agents who are responsible, amongst other things, to assist the Borough in enforcing the Affordable Housing Laws, and oversee and administer the Borough's affordable housing programs, affordable housing stock and affordability controls in accordance with the requirements of the FHA, FHA-2, the UHAC, the DLPS Affordable Housing Regulations, the Borough's affordable housing ordinances, and the Borough's Amended HEFSP; and



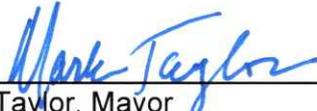
WHEREAS, the Mayor and Borough now desire to reaffirm and continue with the Borough's Rehabilitation Program, Accessory Apartment Program, Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manuals, and authorize the Borough's professionals to make any amendments to same, so that such programs are administered in compliance with the Borough's Amended HEFSP and recent changes in the Affordable Housing Laws referenced hereinabove.

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 Council does hereby reaffirm and approve the continuation of the Borough's Rehabilitation Program, Accessory Apartment Program, Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manual ("Fourth Round Program Documents"), and approves all updates and amendments to same that are necessary in order to bring the Borough's Fourth Round Programs into in compliance with the recent changes to the Affordable Housing Laws and the Borough's Amended HEFSP adopted by the Borough Planning Board on February 9, 2026.
2. The Borough's Municipal Attorney, Borough Special Affordable Housing Counsel and Borough Planner are hereby directed to prepare any updates to the Borough's Fourth Round Program Documents and file same and this Resolution with the Court in the Borough's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2.
3. The Borough Municipal Attorney, Borough Special Affordable Housing Counsel and Borough Planner and all other appropriate Borough 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.
4. A certified copy of this Resolution and the Borough's Fourth Round Program Documents 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.
5. The Borough further reserves the right to amend the Borough's Fourth Round Program Documents, should such further amendments be required or necessary.
6. Notice of this action shall be published electronically and in the official newspapers for the Borough of Florham Park in accordance with law.
7. This Resolution shall take effect immediately.

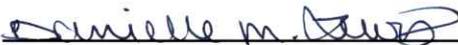


Council Approval: March 11, 2026



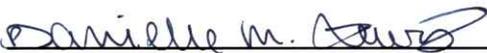
Mark Taylor, Mayor

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