

Resolution #_____

**A RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF BOONTON,
IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY
TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A SHORTFALL OF FUNDING FOR THE
TOWNSHIP'S AFFORDABLE HOUSING PROGRAMS**

WHEREAS, in January 2025, the Township of Boonton filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low- and moderate-income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Township filed the Declaratory Judgment Complaint pursuant to the amended Fair Housing Act which requires municipalities to submit a Housing Element and Fair Share Plan by June 30, 2025 in order to maintain immunity from builder's remedy lawsuits; and

WHEREAS, the Township adopted a Housing Element and Fair Share Plan on or about May 5, 2025; and

WHEREAS, the Township has prepared a Spending Plan consistent with P.L.2008, c.46; and

WHEREAS, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Township's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Township shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Boonton in the County of Morris, and the State of New Jersey to the extent permitted by law, do hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, the Township agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Dispute Resolution Program or a court of competent jurisdiction; and

BE IT FURTHER RESOLVED that the Township may repay debt through future collections of development fees, as such funds become available.

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township of Boonton Governing Body at a meeting held on _____, 2025.

Douglas Cabana, RMC, Municipal Clerk

Resolution #_____

**A RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF BOONTON,
IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY RESOLUTION ADOPTING
FOURTH ROUND AFFORDABLE HOUSING SPENDING PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. ("Amended FHA")); and

WHEREAS, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, A municipality may not spend or commit to spend any affordable housing development fees, without first obtaining the approval of the expenditure as part of its compliance certification or by the New Jersey Department of Community Affairs (DCA); and

WHEREAS, the Governing Body of the Township of Boonton, County of Morris, State of New Jersey, adopted a development fee ordinance on February 10, 2014; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other funds collected for affordable housing purposes; and

WHEREAS, the Township has prepared a 2025 Affordable Housing Trust Fund Spending Plan, dated May 2025; and

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Boonton, Morris County, New Jersey, that the Township of Boonton hereby adopts the 2025 Affordable Housing Trust Fund Spending Plan for the Township of Boonton, dated May 2025, prepared by J. Caldwell & Associates, LLC, which is attached hereto and incorporated herein.

This Resolution shall take effect immediately.

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township of Boonton Governing Body at a meeting held on _____, 2025.

Douglas Cabana, RMC, Municipal Clerk