

**RESOLUTION OF THE
BOONTON TOWNSHIP COMMITTEE
ENDORING THE UPDATED/AMENDED
HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY
THE BOONTON TOWNSHIP PLANNING BOARD ON
MARCH 2, 2026**

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”), which governs how municipalities must comply with their affordable housing obligations for the Fourth Round (2025-2035); 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 Township of Boonton (“Township”) timely filed a declaratory judgment action with the Program on January 29, 2025, which is entitled In re Township of Boonton, Docket No.: MRS-L-259-25 (Township’s “2025 Action”); and

WHEREAS, on April 24, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township’s 2025 Action fixing the Township’s Fourth Round pre-credited/unadjusted Present Need Obligation at “4” and gross Prospective Need Obligation at “81” and directed the Township 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 Order issued by Judge Allen, the Township’s Municipal Planner prepared the Township’s Fourth Round Housing Element and Fair Share Plan (“2025 HEFSP”); and

WHEREAS, on timely prior notice to the public, on May 5, 2025 the Township of Boonton Planning Board adopted the Township's 2025 HEFSP following a public hearing thereon in accordance with all applicable laws, and on May 12, 2025 the Mayor and Township Committee adopted a resolution endorsing the 2025 HEFSP; and

WHEREAS, the Township timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements and deadlines set forth within the FHA-2; and

WHEREAS, thereafter Fair Share Housing Center (FSHC) filed a timely challenge to the Township's 2025 HEFSP; and

WHEREAS, the Township participated in good faith in the Program process under the FHA-2 with FSHC, including various conferences conducted before Program Member the Honorable Stephan C. Hansbury, J.S.C. (Ret. on Recall) to address FSHC's challenge to the Township's 2025 HEFSP; and

WHEREAS, as a result of the Program process, the Township was able to resolve the challenged issues with FSHC, and reached a Negotiated Mediation Agreement, which was approved by Resolution 26-51 adopted by the Township Committee on January 12, 2026 and fully executed by all parties on January 12, 2026 ("Settlement"); and

WHEREAS, following review of the Settlement, Judge Hansbury issued a Program Settlement Recommendation and Statement of Reasons on January 30, 2026; and

WHEREAS, on February 13, 2026 the Honorable Janine M. Allen, J.S.C. issued an Order in the Township's 2025 Action approving the Township's Housing Element and Fair Share Plan, subject to certain amendments, and which directs the Township to adopt all amendments and all implementing ordinances and resolutions and file same in the Township's 2025 Action on or before March 16, 2026 in order to secure 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, the Township Planner has since prepared an updated/amended Fourth Round Housing Element and Fair Share Plan in accordance with the Settlement and Judge Allen's Order issued on February 13, 2026; and

WHEREAS, on timely prior notice to the public, on March 2, 2026, the Township of Boonton Planning Board adopted the Township's updated Housing Element and Fair Share Plan ("Amended Fourth Round HEFSP" or "Amended HEFSP") 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, the Township Committee has since reviewed the Amended Fourth Round HEFSP, and now desire to endorse the Township's Amended HEFSP, as previously adopted by the Planning Board of the Township of Boonton on March 2, 2026.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Boonton, in the County of Morris, and State of New Jersey, as follows:

1. The Township Committee does hereby approve and endorse the Amended Fourth Round Housing Element and Fair Share Plan adopted by the Township of Boonton Planning Board on March 2, 2026.
2. Nothing herein shall be construed as a waiver or relinquishment of the Township's rights to preserve its existing affordable housing stock within the Township. The Township hereby reserves all rights to extend the affordability controls on all of the Township's existing affordable housing stock and affordable units within the Township, and to claim credits and bonus credits for such extensions against the Township's current or any future affordable housing obligation(s), should any such obligation exist.
3. The Township's Municipal Attorney and Township Planner are hereby directed to file the Township's Amended Fourth Round Housing Element and Fair Share Plan, this Resolution and all relevant supporting documentation and exhibits with the Court in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2.
4. The Township Municipal Attorney, Township Planner and all other appropriate Township officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township secures a Certification of Compliance and Repose and maintains its immunity from exclusionary zoning and builder's remedy.
5. A certified copy of this Resolution and the Township's Amended Fourth Round Housing Element and Fair Share Plan shall remain on file with the Township Municipal Clerk's Office for the purpose of public inspection, and shall be uploaded to the Township's website by the Township Municipal Clerk in accordance with the requirements of the FHA-2 and Directive #14-24.
6. The Township further reserves the right to amend the Amended Housing Element and Fair Share Plan, should such further amendments be required or necessary.
7. Notice of this action shall be published electronically and in the official newspapers for the Township of Boonton in accordance with law.

8. This Resolution shall take effect immediately.

Adopted: March 9, 2026

I hereby certify the above to be a true certified copy of a resolution adopted by the Township Committee of the Township of Boonton at a duly convened meeting held on March 9, 2026.



Douglas Cabana, Municipal Clerk
Township of Boonton