

RESOLUTION OF THE TOWNSHIP OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A NEGOTIATED MEDIATION AGREEMENT WITH FAIR SHARE HOUSING CENTER IN CONNECTION WITH THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING LITIGATION, ENTITLED: *IN RE TOWNSHIP OF BOONTON*, DOCKET NO.: MRS-L-259-25.

WHEREAS, on March 20, 2024 Governor Murphy signed into law P.L. 2024, c. 2 ("FHA-2"), which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act, *N.J.S.A. 52:27D-301 et seq.*, (the "Fair Housing Act" or "Act"); and

WHEREAS, amongst other things, the FHA-2 established the Affordable Housing Dispute Resolution Program ("Program") as an adjunct to New Jersey Courts, and requires municipalities to adopt affordable housing obligations by January 31, 2025 and file declaratory judgment actions with the Program and Court, and based upon such obligations, municipalities are required to adopt Fourth Round Housing Elements and Fair Share Plans ("Plans") by June 30, 2025; and

WHEREAS, the FHA-2 allows interested third-parties to file challenges to municipal Plans with the Program by August 31, 2025, and further requires municipalities and any third-party challengers to mediate and resolve such disputes by December 31, 2025 in order for municipalities to ultimately secure a "compliance certification" from the Court; and

WHEREAS, the issuance of a compliance certification to a municipality is significant, as it entitles the municipality to long-term immunity from exclusionary zoning and builders' remedy litigation for a ten-year period, which for the Fourth Round, runs from July 1, 2025 thru June 30, 2035; and

WHEREAS, prior to the issuance of a compliance certification, the FHA-2 allows a municipality that meets all statutory deadlines and participates, in good faith, in the Program process, to have temporary immunity from exclusionary zoning and builders' remedy litigation during the interim time it takes for a municipality to prepare and adopt a compliant Plan and adopt and implement affordable housing ordinances and resolutions to effectuate same; and

WHEREAS, due to the substantial amendments to the Fair Housing Act under the FHA-2, the Township Committee previously determined that it is in the best interest of the Township and its residents to participate in the Program process with the ultimate goal of securing a compliance certification; and

WHEREAS, on January 27, 2025 the Township timely adopted a resolution as to its affordable housing obligation, and thereafter timely filed a declaratory judgment action with the Program in accordance with the statutory deadlines set forth in the FHA-2; and

WHEREAS, the Township Planner subsequently prepared the Township's Fourth Round Housing Element and Fair Share Plan ("HEFSP"), which was timely adopted by Township of Boonton Planning Board on May 5, 2025, endorsed by the Township Committee on May 12, 2025 and filed with the Program on May 15, 2025 in advance of the June 30, 2025 deadline; and

WHEREAS, during the pendency of the Township's Fourth Round affordable housing litigation, entitled: *In re Township of Boonton*, Docket No.: MRS-L-295-25, the Township received one challenge to its HEFSP, which was filed by Fair Share Housing Center, Inc (FSHC) on or about August 30, 2025; and

WHEREAS, the Township has been compliant throughout the entire process and has met all deadlines imposed by P.L. 2024, c. 2 to date; and

WHEREAS, the Township has worked diligently to resolve FSHC's challenge and has engaged in substantial negotiations with FSHC; and

WHEREAS, through the efforts of the Township, with the assistance of the Administration, Township's Attorney and Township Planner, the Township has been able to reach a proposed "Negotiated Mediation Agreement," (Agreement") with FSHC to resolve the challenge in order for the Township to secure a compliance certification from the Court in order to protect the interests of the Township and maintain compliance with P.L. 2024, c.2; and

WHEREAS, the Township Attorney and Township Planner have reviewed and thoroughly vetted the terms of a proposed Agreement with FSHC and recommend execution of the proposed Negotiated Mediation Agreement; and

WHEREAS, the Township Committee having reviewed the Agreement and having consulted with the Township Attorney and Township Planner, believe that it is in the best interest of the Township and its residents to approve the execution of the Agreement at this time; and

WHEREAS, the Township Committee now desires to authorize the Mayor to execute the Agreement and the Municipal Clerk to attest to the execution of same.

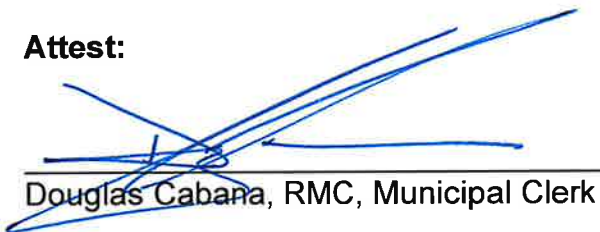
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Boonton, in the County of Morris, and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized to execute the Negotiated Mediation Agreement with Fair Share Housing Center, Inc. to resolve FSHC's challenge to the Township's Fourth Round Housing Element and Fair Share Plan in the Township's affordable housing litigation entitled: *In*

the Matter of the Township of Boonton, Docket No.: MRS-L-259-25 in order to secure a compliance certification from the Court and protect the interest of the Township and to maintain compliance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the Fourth Round Affordable Housing rules and regulations; and

2. The Township Administrator, Township Attorney and Township Planner are hereby authorized to take such necessary administrative action for the purposes of implementing the terms and conditions of the with Negotiated Mediation Agreement and any and all directions from the Affordable Housing Dispute Resolution Program and Morris County Mount Laurel Judge; and
3. The Township hereby authorizes and directs the Mayor, Township Clerk and Township Administrator to execute any and all documents necessary to implement all action approved by this Resolution.
4. A copy of the final executed Negotiated Mediation Agreement and this Resolution shall remain on file in the Township Clerk's Office and shall be available for public inspection in accordance with applicable law.
5. This Resolution shall take effect immediately.

Attest:



Douglas Cabana, RMC, Municipal Clerk



William Klingeher, Mayor

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township Committee of the Township of Boonton at its meeting held on January 12, 2026.



Douglas Cabana, Municipal Clerk
Township of Boonton

