

**RESOLUTION COMMITTING BYRAM TOWNSHIP TO COMPLY
WITH AFFORDABLE HOUSING OBLIGATIONS**

RESOLUTION # 037- 2025

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter “Amended FHA”); and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce non-binding estimates of affordable housing need on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 27 and a Prospective Need or New Construction Obligation for of 115; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA specifically provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Byram Township (the “Township”) accepts the DCA calculations of the Township’s affordable housing obligations and commits to its fair share of 27 units present need and 115 units prospective need subject to any vacant land and/or durational adjustments and Highlands Council adjustments it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHS; and

WHEREAS, the Township reserves the right to comply with any additional amendments to the FHS that the Legislature may enact; and

WHEREAS, the Township also reserves the right to adjust its position in the event of any rulings in the Borough of Montvale v. State of New Jersey case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Township Council find that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, the Directive #14-24 promulgated procedures and guidelines implementing the Affordable Housing Alternate Dispute Resolution Program (the (Program”)).

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner” and

WHEREAS, the Township seeks a certification of compliance with the FHA and, therefore, directs its Township Attorney, Thomas F. Collins, Jr., to file a declaratory relief action within 48 hours of the adoption of this resolution in Sussex County.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township hereby commits to the DCA Round 4 Present Need Obligation of 27 units and the Round 4 Prospective Need Obligation of 115 units described in this resolution subject to all reservations of rights set forth above.
3. The Township finds that the Highlands Build Out Analysis program results at realistic development potential (RDP) of 2 affordable units.
4. The Township hereby directs its Township Attorney, Thomas F. Collins, Jr., to file a declaratory judgment complaint in Sussex County within 48 hours after adoption this resolution attaching this resolution.
5. The Township authorizes its Township Attorney, Thomas F. Collins, Jr., to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
6. This resolution shall take effect immediately, according to law.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	✓				
2nd			✓		
Yes	✓	✓	✓	✓	✓
No					
Abstain					
Absent					

ATTEST: I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on January 21, 2025.


 Cynthia Church, Municipal Clerk