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Attorneys for Plaintiff, Township of Byram
Attorney ID #015151979 (Collins)

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
BYRAM, COUNTY OF SUSSEX, STATE
OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SUSSEX COUNTY**

DOCKET NO.: SSX-L-_____

CIVIL ACTION

**AFFORDABLE HOUSING
PER DIRECTIVE # 14-24**

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO DIRECTIVE #
14-24**

Declaratory Plaintiff, the Township of Byram, County of Sussex, State of New Jersey (hereinafter, "Byram " or the "Township"), a municipal corporation of the State of New Jersey, with principal offices located at Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey 07874, by way of this Declaratory Judgment Action ("DJ Action") as authorized under Directive # 14-24 of the Administrative Office of the Courts alleges and says:

Background

1. Byram is a municipal corporation of the State of New Jersey.
2. The Township of Byram (hereinafter, "Byram" or "Township") is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.,

("MLUL"), and, among other duties and obligations, is to endorse the Housing Element and Fair Share Plan ("HEFSP") of Byram's Master Plan, which will be adopted by the Planning Board.

3. Through this DJ Action, Byram seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the "Program") pursuant to P.L. 2024, c.2 (hereinafter, the "Act") and the Court, pursuant to Directive # 14-24; (b) to have the Program and the Court approve the Township's Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Township, attached hereto as Exhibit 1; (c) to have the Program and the Court approve a HEFSP to be adopted by the Planning Board and endorsed by the Township Council and issue a conditional or unconditional "Compliance Certification" pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Byram's immunity from all exclusionary zoning litigation, including builder's remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Township receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

4. The Township repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.* (hereinafter “FHA”).

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for a compliance certification.

7. On or about December 13, 2024, the Director issued Directive # 14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

8. On January 21, 2025, the Township adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

9. Based on the foregoing, the Township has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification as set forth hereinafter.

WHEREFORE, Byram Township seeks a declaratory judgment for the following relief:

- a.** Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c.** Declaring the approval of the Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Township Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004 c.120 and the FHA.
- d.** Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;

- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE TOWNSHIP OF BYRAM

10. Byram repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024, report, the DCA calculated Byram's present and prospective affordable housing obligations as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
27	115

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. Byram adopted a binding resolution, a copy of which is attached hereto and made a part hereof as Exhibit 1 to this DJ Action.

17. The binding resolution maintains that the Present (“Rehabilitation”) Need obligation of Byram is 27 and its Prospective Need obligation is 115.

18. Byram seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as Exhibit 1 or the adjustment of those obligations consistent with the Act and the applicable COAH regulations.

19. Pursuant to the binding resolution, the Township reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

20. Pursuant to the binding resolution, Byram specifically reserves the right to seek and obtain (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or

considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

WHEREFORE, the Township of Byram seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Byram under the Act;
- c. Declaring the approval of Byram's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act

and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Byram for the period beginning July 1, 2025, and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III

HOUSING ELEMENT AND FAIR SHARE PLAN

21. The Township of Byram repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

22. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, (“HEFSP”) must be prepared, adopted by the Planning Board and endorsed by the municipality by June 30, 2025.

23. Byram hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a

Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

WHEREFORE, the Township of Byram seeks a declaratory judgment for the following relief:

- a. Declaring that Byram has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Byram under the Act;
- c. Declaring the approval of Byram's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment

based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township for the period beginning July 1, 2025, and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV

CONFIRMATION OF IMMUNITY

24. The Township repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

25. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

26. The Township has met the deadline for the adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive # 14-24) not later than January 31, 2025 by adopting the binding resolution attached to this DJ Action as Exhibit 1, and has committed to the adoption of its HEFSP by the June 30, 2025.

WHEREFORE, the Township of Byram seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Byram under the Act;
- c. Declaring the approval of Byram's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act

and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

- d. Declaring that Byram continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Byram for the period beginning July 1, 2025, and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

By: /s/ Thomas F. Collins, Jr.

Dated: January 22, 2025

Thomas F. Collins, Jr., Esq., P.P.

CERTIFICATION PURSUANT TO R. 4:5-1

Thomas F. Collins, Jr., Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Vogel, Chait, Collins and Schneider, P.C., attorneys for declaratory plaintiff, Township of Byram.

2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.

3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

Dated: January 22, 2025

By: /s/ Thomas F. Collins, Jr.
Thomas F. Collins, Jr., Esq., P.P.

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Thomas F. Collins, Jr., Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Vogel, Chait, Collins and Schneider, P.C., attorneys for Declaratory Plaintiff, the Township of Byram.

2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

Dated: January 22, 2025

By: /s/ Thomas F. Collins, Jr.
Thomas F. Collins, Jr., Esq., P.P.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Thomas F. Collins, Jr., Esq., attorney for the Declaratory Plaintiff, the Township of Byram is designated as trial counsel in the above captioned matter.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

Dated: January 22, 2025

By: /s/ Thomas F. Collins, Jr.
Thomas F. Collins, Jr., Esq., P.P.

EXHIBIT 1

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

**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.

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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

Civil Case Information Statement

Case Details: SUSSEX | Civil Part Docket# L-000051-25

Case Caption: IN THE MATTER OF BYRAM TWP
Case Initiation Date: 01/23/2025
Attorney Name: THOMAS JAMES MOLICA
Firm Name: VOGEL CHAIT COLLINS & SCHNEIDER
Address: 25 LINDSLEY DRIVE SUITE 200
 MORRISTOWN NJ 079604454
Phone: 9735383800
Name of Party: PLAINTIFF : Byram Twp.
Name of Defendant's Primary Insurance Company
 (if known): None

Case Type: AFFORDABLE HOUSING
Document Type: Complaint
Jury Demand: NONE
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO
Does this case involve claims related to COVID-19? NO
Are sexual abuse claims alleged by: Byram Twp.? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Pursuant to Affordable Housing Dispute Resolution Program (L.2024,c.2) Administrative Directive #14-24 dated December 13, 2024.

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/23/2025
 Dated

/s/ THOMAS JAMES MOLICA
 Signed

