

**TOWNSHIP OF BYRAM
COUNTY OF SUSSEX, STATE OF NEW JERSEY
RESOLUTION #150-2026**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF BYRAM, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY, ENDORSING THE 2026
AMENDED HOUSING ELEMENT AND FAIR SHARE
PLAN ADOPTED BY THE PLANNING BOARD OF THE
TOWNSHIP OF BYRAM ON AUGUST 6, 2026**

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 ("FHA" or "FHA-2"); and

WHEREAS, 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 and the Mount Laurel doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts 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 be in compliance with the FHA 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, amongst other things, Directive #14-24 and P.L. 2024, c. 2, require each municipality to adopt a binding resolution setting forth its Fourth-Round present and prospective need obligations and file a Declaratory Judgment action with the Program through the New Jersey e-Courts system by no later than February 3, 2025, and thereafter each municipality must adopt a Fourth Round Housing Element and Fair Share Plan and file same with the Program on or before June 30, 2025; and

WHEREAS, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of Byram timely adopted a resolution setting forth the Township's pre-credited/unadjusted Fourth Round affordable housing obligations on June 5, 2025 and on June 7, 2025 the Township uploaded same to the Program and filed a Declaratory Judgment action with the Program, which is entitled: In re Township of Byram, Docket No.: SSX-L-51-25 (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 twenty-seven (27) and the Township's Fourth Round gross Prospective Need Obligation at one hundred fifteen (115) and which Order further directs the Township to adopt its Fourth Round Housing Element and Fair Share Plan with a Vacant Land Adjustment and uploaded 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 in the Township's 2025 Action, the Township's Municipal Planner has since prepared the Township's 2025 Housing Element and Fair Share Plan which was Endorsed by the Mayor and Council and filed with the Court by the deadline in 2025; and

WHEREAS, the Fair Share Housing Council filed a letter requesting additional information and resolved its concerns with the Township by a Consent Order Conditional Certification which was signed by the Honorable Janine A. Allen, J.S.C. on July 6, 2026; and

WHEREAS, on timely prior notice to the public, on August 6, 2026, the Township of Byram adopted the Township's 2026 Amended Housing Element and Fair Share Plan dated July 9, 2026 with an Infrastructure Durational Adjustment 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, 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 Mayor and Council of the Township of Byram has since reviewed the 2026 Amended Housing Element and Fair Share Plan, and now intends to endorse the 2026 Housing Element and Fair Share Plan, as adopted by the Planning Board of the Township of Byram on August 6 2026.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Byram, in the County of Sussex, and State of New Jersey, as follows:

1. The Township hereby endorses and approves the 2026 Amended Housing Element and Fair Share Plan dated July 9, 2026 adopted by the Planning Board of the Township of Byram on August 6, 2026.
2. The Township Municipal Attorney is hereby directed to file the Township's 2026 Amended Housing Element and Fair Share Plan, this resolution and all relevant supporting documentation and exhibits with the Program in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c. 2.
3. The Township Municipal Attorney and Municipal Planner are hereby directed to defend the Township against any challenge(s) and take all necessary steps in furtherance thereof.
4. The Township Municipal Attorney, Municipal Planner and all other appropriate 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 maintains its immunity from exclusionary zoning and builder's remedy.
5. A certified copy of this Resolution and the Township's 2026 Amended Housing Element and Fair Share Plan shall remain on file with the Township for the purpose of public inspection, and the Township Municipal Clerk is directed to upload this Resolution and the 2026 Amended Housing Element and Fair Share Plan to the Township's website in accordance with the requirements of the FHA and Directive #14-24.
6. Notice of this action shall be published in the official newspapers for the Township of Byram.
7. This Resolution shall take effect immediately.

CERTIFICATION

I, Cynthia Church, Municipal Clerk of the Township of Byram, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted the Byram Township Mayor and Council at its meeting held on August 11, 2026.


Cynthia Church, Municipal Clerk