

**TOWNSHIP OF BYRAM
COUNTY OF SUSSEX, STATE OF NEW JERSEY
RESOLUTION # 122-2025**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF BYRAM, COUNTY OF SUSSEX AND STATE OF
NEW JERSEY, ENDORSING THE 2025 HOUSING ELEMENT
AND FAIR SHARE PLAN ADOPTED BY THE PLANNING
BOARD OF THE TOWNSHIP OF BYRAM ON JUNE 5, 2025**

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 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 in the Township's 2025 Action, the Township's Municipal Planner has since prepared the Township's 2025 Housing Element and Fair Share Plan; and

WHEREAS, on timely prior notice to the public, on June 17, 2025, the Township of Byram adopted the Township's 2025 Housing Element and Fair Share Plan 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 Township Committee of the Township of Byram has since reviewed the 2025 Housing Element and Fair Share Plan, and now desires to endorse the 2025 Housing Element and Fair Share Plan, as -adopted by the Township of Byram on June 17, 2025.

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

1. The Township does hereby endorse and approve the 2025 Housing Element and Fair Share Plan adopted by the Township of Byram on June 17, 2025.
2. The Township Municipal Attorney is hereby directed to file the Township's 2025 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. Should any challenge to the Township's 2025 Fourth Round Housing Element and Fair Share Plan be filed, the Township Municipal Attorney and Municipal Planner are hereby directed to defend the Township against such 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 2025 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 2025 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 by a majority of the full membership of the Byram Township Committee at its meeting held on June 17, 2025.


Cynthia Church, Municipal Clerk