

BOROUGH OF MENDHAM
Morris County, New Jersey

RESOLUTION #123-2025

**RESOLUTION OF THE BOROUGH OF MENDHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY ENDORSING THE 2025 HOUSING
ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE BOROUGH OF
MENDHAM JOINT LAND USE BOARD ON JUNE 17, 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 establishes 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 Borough of Mendham timely adopted a resolution setting forth the Borough’s pre-credited/unadjusted Fourth Round affordable housing obligations on January 27, 2025 and on January 29, 2025 the Borough timely uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled In re Application of the Borough of Mendham, Docket No.: MRS-L-000254-25 (Borough’s “2025 Action”); and

WHEREAS, on May 2, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Borough’s 2025 Action fixing the Borough’s Fourth Round pre-credited/unadjusted Present Need Obligation at zero (0) and Fourth Round gross/unadjusted Prospective Need Obligation at one-hundred and twenty-four (124), and which such Order directs the Borough 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 above-referenced Order issued by Judge Allen in the Borough's 2025 Action, the Borough's Planner has since prepared the Borough's 2025 Housing Element and Fair Share Plan; and

WHEREAS, on timely prior notice to the public, on June 17, 2025, the Borough of Mendham Joint Land Use Board adopted the Borough'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 and 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 Borough Council of the Borough of Mendham have since reviewed the 2025 Housing Element and Fair Share Plan, and now desire to endorse the 2025 Housing Element and Fair Share Plan, as previously adopted by the Joint Land Use Board of the Borough of Mendham on June 17, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

1. The Borough does hereby endorse the 2025 Housing Element and Fair Share Plan, as adopted by the Borough of Mendham Planning Board on June 17, 2025.
2. The Borough Municipal Attorney is hereby directed to file the Borough's 2025 Housing Element and Fair Share Plan, this resolution and all relevant supporting documentation, appendices, and exhibits with the Program in the Borough's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c. 2.
3. Should any challenge to the Borough's 2025 Housing Element and Fair Share Plan be filed, the Borough Municipal Attorney and Borough Planner are hereby directed to defend the Borough against such challenge(s) and take all necessary steps in furtherance of such defense.
4. The Borough Municipal Attorney, Borough Planner, and all other appropriate officials, employees and other professionals of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Borough maintains its immunity from exclusionary zoning and builder's remedy and secures a Compliance Certification from the Program and/or a Final Judgment of Compliance and Repose from the Court.
5. A certified copy of this Resolution and the Borough's 2025 Housing Element and Fair Share Plan shall remain on file in the Borough Municipal Clerk's Office for the

purpose of public inspection, and the Borough Municipal Clerk is further directed to upload this Resolution and the Housing Element and Fair Share Plan to the Borough's website in accordance with the requirements of the FHA and Directive #14-24.

6. The Borough further reserves the right to amend and supplement the 2025 Housing Element and Fair Share Plan on prior notice and a public hearing in accordance with the requirements of the Municipal Land Use Law, the Open Public Meetings Act and the Home Rule Act should such further amendments be required or necessary.
7. Notice of this action shall be published in the official newspaper for the Borough of Mendham in accordance with law
8. This Resolution shall take effect immediately

DATED: June 25, 2025

ATTEST:

BOROUGH OF MENDHAM

Lauren McBride, Acting Borough Clerk

James Kelly, Mayor

C E R T I F I C A T I O N

I, Lauren McBride, Acting Clerk of the Borough of Mendham in the County of Morris and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Mendham at a meeting duly convened of said Body on the 25th day of June, 2025

Lauren McBride, Acting Borough Clerk