

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

RESOLUTION #134-2026

**RESOLUTION OPPOSING SENATE BILL 1836, WHICH CIRCUMVENTS LOCAL PLANNING
AND ZONING REQUIREMENTS FOR AFFORDABLE HOUSING**

WHEREAS, municipalities are required to establish a Municipal Master Plan with a combination of mandatory and optional elements including Goals and Objectives, Land Use, Circulation, Housing, Community Facilities, Downtown Economic Development, Historic Preservation, and Sustainability; and

WHEREAS, municipalities are also required to reexamine the Municipal Master Plan every 10 years to ensure that the master plan meets the community needs and is relevant as communities, evolve, grow, and change; and

WHEREAS, municipalities complete this effort at significant cost and with extensive community input to ensure their community has a roadmap for growth; and

WHEREAS, a municipality is best suited to plan for and understand the community's needs, the existing infrastructure to address the municipality's public safety, health, traffic, and character, and the ability to expand such infrastructure for desired growth; and

WHEREAS, there are many mechanisms for exceptions and variances to the local planning process; and

WHEREAS, municipalities have been working diligently to comply with the amendments to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., with the passage of P.L. 2024, c.2, that made substantial changes to the Fourth Round of affordable housing obligations; and

WHEREAS, affordable housing construction has generally comprised between 10-20% of a total development, but municipalities will end up constructing far more units during this current round of affordable housing; and

WHEREAS, recent legislative proposals that preempt the planning process by permitting

the conversion of underutilized properties into mixed used developments, reducing the number of parking spaces required for new developments near transit, making Accessory Dwelling Units permissible, and most recently, enhancing the ability of religious and nonprofit organizations to convert certain property to inclusionary developments with affordable housing, all undermine the careful planning process outlined in the Municipal Land Use Law and that was adopted as part of each municipality's Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, proposed Senate Bill 1836, as recently amended, is particularly egregious because it total ignores the entire Fourth Round affordable housing process, and mandates entirely new zoning for inclusionary development, by right, for any non-profit or religious institution, by requiring municipalities accept a developer's redevelopment proposal for excessive densities ranging between 40 and 80 dwelling units per acre, so long as the developer seeks to redevelop religious or non-profit property with an affordable housing set-aside ranging between 20% and 50%; and

WHEREAS, Senate Bill 1836 also allows for religious institutions and non-profits, to exceed the existing height restrictions within a zone by between one story and three stories above what is permitted by local zoning, with no input or say by the municipality; and

WHEREAS, Senate Bill 1836 further fails to clarify what non-profit institutions are entitled to redevelop properties, which without further clarification and restriction, will lead to further abuse and misuse to circumvent local zoning by for-profit land owners; and

WHEREAS, Senate Bill 1836, also demands that these projects shall be eligible for a tax abatement pursuant to the Long-Term Tax Exemption Law, thereby increasing the demand on public schools without any provision to provide funding to address such demand; and

WHEREAS, proposed Senate Bill 1836 mandates all of the above even though over 300 municipalities have already adopted plans to fulfill their Fourth Round Affordable Housing obligations far in advance of previous rounds; and

WHEREAS, under existing affordable housing law, once a municipality meets its

affordable housing obligation, it not required to approve an additional high-density residential development projects or adopt any additional zoning to accommodate the needs or demands of a developer; and

WHEREAS, end result of Senate Bill 1836 amounts to a “builder’s remedy” as of right regardless of whether a municipality is fully compliant with its affordable housing obligations; and

WHEREAS, Senate Bill 1836 is legislation bypasses local planning for increased density and height, regardless of a municipality’s ability to ensure safety; and

WHEREAS, a worthy project could, and should, participate in the local planning and zoning process to engage with the public; and

WHEREAS, S-1836, as amended, permits the bypassing of the local planning process, which is an egregious assault on municipal autonomy and local decision making.

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

1. The Mayor and Council urge the legislature to defeat S-1836, as recently amended, and similar legislation that denies local autonomy in land use planning and ignores the well thought out master plan.
2. A copy of this resolution shall be forwarded to the appropriate State Legislative Officials, including Senator, Assembly Members, and Governor, and the New Jersey State League of Municipalities.

This Resolution shall take effect immediately.

Dated: July 15, 2026

ATTEST

BOROUGH OF MENDHAM

Lauren McBride, Borough Clerk

James Kelly, Mayor