

**TOWNSHIP OF HARDYSTON
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

RESOLUTION #39-26

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP
OF HARDYSTON IN THE COUNTY OF SUSSEX, STATE OF NEW
JERSEY, ADOPTING AND/OR REAFFIRMING THE TOWNSHIP'S
REHABILITATION PROGRAM MANUAL, AFFORDABILITY
ASSISTANCE PROGRAM POLICIES AND PROCEDURES MANUAL,
AND AFFORDABLE HOUSING ADMINISTRATIVE AGENT POLICIES
AND PROCEDURES MANUAL**

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

WHEREAS, amongst other things, 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-2 and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which began 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 come into compliance with the FHA-2 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, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of Hardyston timely filed a declaratory judgment action with the Program on January 24, 2025, which is entitled In re Township of Hardyston, Docket No.: SSX-L-54-25 (Township's "2025 Action"); and

WHEREAS, on May 5, 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 "22" and gross Prospective Need Obligation at "647" and directed 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 above-referenced Order issued by Judge Allen, the Township Municipal Planner prepared the Township's 2025 Housing Element and Fair Share Plan, dated June 11, 2025 ("2025 HEFSP"); and

WHEREAS, on timely prior notice to the public, on June 24, 2025 the Township of Hardyston Joint Land Use Board adopted the Township's 2025 HEFSP following a public hearing thereon, and on June 25, 2025 the Mayor and Township Council adopted a resolution endorsing the 2025 HEFSP; and

WHEREAS, following same the Township timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements of the FHA-2; and

WHEREAS, thereafter Fair Share Housing Center (FSHC) filed a challenge to the Township's HEFSP; and

WHEREAS, the Township subsequently participated in good faith in the Program process established under FHA-2 to address various challenges to the Township's 2025 HEFSP, including settlement hearings and Session hearings before Program Judge the Hon. Stephan J. Hansbury, JSC (Ret.) on October 1, 2025, November 6, 2025, and December 8, 2025; and

WHEREAS, as a result of the Program process, the Township was able to resolve the challenged issues with FSHC and reached a Negotiated Mediation Agreement with FSHC, which was approved by the Mayor and Township Council by Resolution #106-25 and fully executed by both parties on December 19, 2025 ("Settlement"); and

WHEREAS, following review of the Settlement, Program Judge Hansbury issued a Program Decision Recommendation on January 12, 2026, wherein Judge Hansbury found the terms of the Settlement to be fair, reasonable and adequately protect the interest of low and moderate-income residents, constitutional compliant, and provide a fair and reasonable opportunity for the Township to meet its obligations under the FHA-2 and *Mount Laurel* doctrine; and

WHEREAS, on February 26, 2026 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township's 2025 Action which incorporated and affirmed Judge Hansbury's Program Decision Recommendation, and directed the Township to adopt all amendments to the Township's 2025 HEFSP and all implementing ordinances and resolutions and file same in the Township's 2025 Action on or before March 16, 2026 as a condition of securing a Certification of Compliance and Repose; and

WHEREAS, pursuant to the FHA-2, the issuance of a Certification of Compliance and Repose from the County Mount Laurel Judge entitles a compliant municipality to continued immunity from exclusionary zoning and builder's remedy litigation for the remaining 10-year Fourth Round; and

WHEREAS, in accordance with the Court's Order, the Township of Hardyston Joint Land Use Board adopted the required amendments to the Township's Fourth Round Housing Element and Fair Share Plan on March 9, 2026 (hereinafter the "Amended

Fourth Round HEFSP” or “Amended HEFSP”), and sets forth the Township’s plans and compliance mechanisms to meet its pre-credited/unadjusted Present Need Obligation of “22” and gross Prospective Need Obligation of “647”; and

WHEREAS, on December 15, 2025 the New Jersey Housing and Mortgage Finance Agency adopted amendments to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. (“UHAC”) and the New Jersey Division of Local Planning Services (DLPS) adopted the Fair Housing Act Rules at N.J.A.C. 5:99-1 et seq.; and

WHEREAS, in furtherance of the Court’s Order the Township has since adopted updated affordable housing ordinances, an amended Fourth Round Spending Plan and a Fourth Round Affirmative Marketing Plan/Program, which are designed to implement and fulfill the constitutional, statutory and regulatory requirements of the Mount Laurel doctrine, the FHA, FHA-2, the UHAC, the Fair Housing Act Rules, New Jersey Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and the Township’s Amended Fourth Round HEFSP (hereinafter collectively the “Affordable Housing Laws”); and

WHEREAS, in order to meet the Township’s Fourth Round Present Need, the Township desires to implement a Rehabilitation Program and will contract with a qualified program administrator; and

WHEREAS, the Mayor and Township Council further desire to adopt and approve the Township’s proposed “Home Improvement Program, Policies and Procedures Manual”, and update same, as necessary, to meet with the recent changes to the Affordable Housing Laws; and

WHEREAS, pursuant to the Township’s Amended HEFSP and Affordable Housing Spending Plan and the Township’s affordable housing ordinances, the Township has established an updated Affordability Assistance Program; and

WHEREAS, the Mayor and Township Council desire to adopt and approve the Township’s updated Affordability Assistance Program, as set forth in the Township’s Amended HEFSP and Amended Affordable Housing Spending Plan; and

WHEREAS, the Mayor and Township now desire to reaffirm and continue with the Township’s Rehabilitation Program, Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manuals, and authorize the Township’s professionals to make any amendments to same, so that such programs are administered in compliance with the Township’s Amended HEFSP and recent changes in the Affordable Housing Laws referenced hereinabove.

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

1. The Township Council does hereby approve and adopt the Township's Rehabilitation Program.
2. The Township Council does hereby reaffirm and adopt the Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manual ("Fourth Round Program Documents"), and approves all updates and amendments to same that are necessary in order to bring the Township's Fourth Round Programs into in compliance with the recent changes to the Affordable Housing Laws and the Township's Amended HEFSP adopted by the Township Planning Board on February 9, 2026.
3. The Township's Municipal Attorney, Township Special Affordable Housing Counsel and Township Planner are hereby directed to prepare any updates to the Township's Fourth Round Program Documents and file same and this Resolution with the Court in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2.
4. The Township Municipal Attorney, Township Special Affordable Housing Counsel and Township Planner and all other appropriate Township 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 secures a Certification of Compliance and Repose and maintains its immunity from exclusionary zoning and builder's remedy.
5. A certified copy of this Resolution and the Township's Fourth Round Program Documents shall remain on file with the Township Municipal Clerk's Office for the purpose of public inspection and shall be uploaded to the Township's website by the Township's Municipal Clerk in accordance with the requirements of the FHA-2 and Directive #14-24.
6. The Township further reserves the right to amend the Township's Fourth Round Program Documents, should such further amendments be required or necessary.
7. Notice of this action shall be published electronically and in the official newspapers for the Township of Hardyston in accordance with law.
8. This Resolution shall take effect immediately.

Adopted: March 25, 2026

Jane Bakalarczyk, RMC, Municipal Clerk

Stanley J. Kula, Mayor

CERTIFICATION

I, Jane Bakalarczyk, Township Clerk of the Township of Hardyston hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Hardyston at a duly convened meeting held on March 25, 2026.

Jane Bakalarczyk, RMC, Municipal Clerk