

TOWNSHIP OF HARDYSTON

RESOLUTION #41-26

RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY ADOPTING THE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING AFFIRMATIVE MARKETING PLAN

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 ("Township") 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, the Township has at all times participated in good faith in the Program process; 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 Fair Housing Act Rules at N.J.A.C. 5:99-1 et seq.; and

WHEREAS, the FHA-2 requires that the Township adopt all amendments to the Township's Housing Element and Fair Share Plan and all implementing affordable ordinances and resolutions and file same in the Township's 2025 Action on or before March 16, 2026 in order to secure 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, on timely prior notice to the public, on March 9, 2026, the Township of Hardyston Joint Land Use Board adopted the Township's 2026 Amended Housing Element and Fair Share Plan" ("Amended Fourth Round HEFSP" or "Amended HEFSP") 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 Township of Hardyston 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 Regulations, 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 accordance with the above-referenced Affordable Housing Laws, including the FHA-2, the UHAC and the Fair Housing Act Regulations, the Township's professionals have prepared an updated affordable housing affirmative marketing plan to ensure that all affordable housing units existing or created within the Township are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 1, the Housing Region encompassing the Township of Hardyston; and

WHEREAS, the Affirmative Marketing Plan includes a "veteran's preference," to allows for low-to moderate-income veterans to be given a preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311j of the FHA-2 and the UHAC; and

WHEREAS, the Township Council desires to adopt and approve the Township's updated Affirmative Marketing Program.

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

1. The Township Council of the Township of Hardyston does hereby approve and adopt the updated Affordable Housing Affirmative Marketing Program/Plan.
2. The Township's Land Use Board Attorney and Township Planner are hereby directed to prepare and finalize the Fourth Round Affordable Housing Affirmative Marketing Plan 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.

3. The Township Land Use Board Attorney, 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.
4. A certified copy of this Resolution and the Township's Fourth Round Affirmative Marketing Plan 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 in accordance with the requirements of the FHA-2 and Directive #14-24.
5. The Township further reserves the right to amend the Township's Affirmative Marketing Plan should such further amendments be required or necessary.
6. Notice of this action shall be published electronically and in the official newspapers for the Township of Hardyston in accordance with law.
7. This Resolution shall take effect immediately.

Adopted: March 25, 2026

Stanley J. Kula, Mayor

I hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Township Council of the Township of Hardyston at its meeting held on March 25, 2026.

Jane Bakalarczyk, RMC
Municipal Clerk, Township of Hardyston