

Borough of Franklin, County of Sussex

Resolution #2025-58

RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE BOROUGH OF FRANKLIN PLANNING BOARD ON JUNE 16, 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 Franklin timely adopted a resolution setting forth the Township’s modified Fourth Round affordable housing obligations on January 28, 2025 and on January 30, 2025 the Borough timely uploaded same to the Program and filed a declaratory judgment action with the Program, which is entitled In The Matter Of Franklin Borough, Docket No.: SSX-L- 000079-25 (Borough’s “2025 Action”); and

WHEREAS, on May 13, 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 “25” and gross Prospective Need Obligation at “261” 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 of Franklin, County of Sussex

Resolution #2025-58

Borough's Affordable Housing 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 16, 2025, the Borough of Franklin Planning 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 Council of the Borough of Franklin 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 previously adopted by the Planning Board of the Borough of Franklin on June 16, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Committee of the Borough of Franklin, in the County of Sussex, and 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 Franklin Planning Board on June 16, 2025, a copy of the 2025 Housing Element and Fair Share Plan and Franklin Borough Planning Board resolution are annexed hereto at Exhibits "A" and "B" respectively.
2. The Borough Attorney is hereby directed to file the Borough's 2025 Housing Element and Fair Share Plan, this resolution and all relevant supporting documentation 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 Attorney, Affordable Housing Planner and Municipal 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 Attorney, Affordable Housing Planner, Municipal 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.
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 Clerk's Office for the purpose of public inspection, and the Borough Clerk is further directed to upload this Resolution and the

Borough of Franklin, County of Sussex

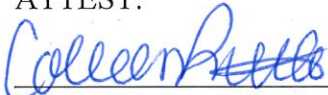
Resolution #2025-58

Housing Element and Fair Share Plan to the Borough's website in accordance with the requirements of the FHA and Directive #14-24.

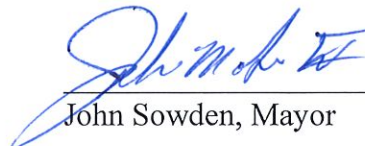
6. The Borough further reserves the right to amend the 2025 Housing Element and Fair Share Plan, should such further amendments be required or necessary.
7. Notice of this action shall be published in the official newspapers for the Borough of Franklin in accordance with law
8. This Resolution shall take effect immediately

DATED: June 24, 2025

ATTEST:



Colleen Little, Borough Clerk



John Sowden, Mayor

CERTIFICATION

I, Colleen Little, Borough Clerk of the Borough of Franklin in the County of Sussex and State of New Jersey, do hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Council of said Borough on the 24th day of June, 2025, at a meeting, duly convened, of said Body.



Colleen Little, Borough Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
PATRICIA CARNES	X			
CONCETTO FORMICA	X			
RACHEL HEATH				X
JOSEPH LIMON				X
STEPHEN SKELLENGER	X			
GILBERT SNYDER	X			
MAYOR SOWDEN (Tie Only)				