

Borough of Franklin, County of Sussex

Resolution #2026-49

RESOLUTION ENDORSING AMENDED HOUSING AND FAIR SHARE PLAN AND RELATED SETTLEMENT AGREEMENT

WHEREAS, the Borough of Franklin (the “Borough” or “Franklin”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 28, 2025; and

WHEREAS, the Court entered an order on May 13, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 25 units and a Prospective Need of 261 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Borough having timely filed its HEFSP on June 19, 2025 (“Initial HEFSP”); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 29, 2025; and

WHEREAS, Zinctown Parc Urban Renewal, LLC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 29, 2025; and

WHEREAS, the Borough and FSHC agreed to amicably resolve the issues set forth in the FSHC challenge pursuant to that certain Mediation Agreement before the Affordable Housing Dispute Resolution Program dated February 5, 2026 (the “Settlement Agreement”) presented for review and approval by the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24; and

WHEREAS, on March 4, 2026, the Planning Board of the Borough of Franklin adopted the amended Housing Element & Fair Share Plan dated March 4, 2026 (the “Amended HEFSP”) and prepared by the Borough Planner, as memorialized through resolution entitled “Resolution Adopting Master Plan Housing Element and Fair Share Plan” dated March 4, 2026; and

WHEREAS, by Order dated March 24, 2026, the Court: (i) approved the Settlement Agreement; (ii) approved the Initial HEFSP; (iii) dismissed the Zinctown challenge; (iv) authorized the Borough to adopt and file, with the Court, an Amended HEFSP incorporating the Settlement Agreement by April 30, 2026, after which time the Court will schedule a Fairness and/or Compliance Hearing to consider approval of the Borough’s Amended HEFSP;

WHEREAS, the Borough adopted implementing resolutions and ordinances pursuant to the requirements of the New Jersey Fair Housing Act (N.J.S.A. § 52:27D-301 et seq. (“Amended FHA”) and the Settlement Agreement, including but not limited to

1. Borough of Franklin’s Resolution #2026-38, adopted February 24, 2026, approving the Fourth Round Affordable Housing Spending Plan;

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2. Borough of Franklin's Ordinance No. 05-2026, adopted on March 10, 2026, approving an amended redevelopment plan for the Zinc Mine Redevelopment Area;
3. Borough of Franklin's Resolution #2026-39 approving the Affirmative Marketing Plan;
4. Borough of Franklin's Resolution #2026-37 adopted February 24, 2026 approving the Rehabilitation Program Manual;
5. Borough of Franklin's adopted Ordinance No. 04-2026 on March 10, 2026, approving a Redevelopment Plan for the 390 Rutherford Avenue Redevelopment Area;
6. Borough of Franklin's adopted Ordinance No. 02-2026 on March 10, 2026, approving to amend, revise and supplement Chapter 161, entitled "Land Development", most notably Section 161-33, entitled "HMF – Hospital Multifamily Zone; and
7. Borough of Franklin's adopted Ordinance No. 03-2026 on March 10, 2026, approving to amend, revise and supplement Chapter 161, entitled "Land Development", most notably Section 161-57, entitled "Affordable Housing"; and

WHEREAS, the Borough, consistent with the Planning Board, has determined that the Amended HEFSP is consistent with the goals and objectives of the municipal Master Plan and the implementation of same is in the public interest and promotes the general welfare, as reflected by, among other things, its entry into the Settlement Agreement and passage of resolutions consistent therewith; and

WHEREAS, the Borough, seeks to endorse the Amended HEFSP, incorporating the terms of the Settlement Agreement, through the issuance of a Resolution to be filed with the Superior Court of New Jersey along with the Amended HEFSP;

WHEREAS, by this Resolution, the Borough hereby formally endorses the Amended HEFSP and the Settlement Agreement.

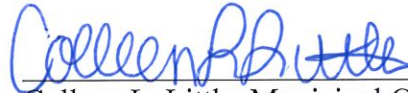
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey, will follow;

1. The Amended HEFSP and Settlement Agreement be and hereby are endorsed. A copy of the Amended HEFSP and Settlement Agreement are attached as Exhibit A; and
2. The Borough's Affordable Housing Counsel, Planner and other appropriate professionals are hereby authorized to take all actions necessary to effectuate approval of the Amended HEFSP before the Superior Court.

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CERTIFICATION: I, Colleen L. Little, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at their Reorganization Meeting held on April 28, 2026, at 7:00PM.



Colleen L. Little, Municipal 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)				