

**TOWNSHIP OF MORRIS
PLANNING BOARD**

**AMENDED FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTION
RESOLUTION**

WHEREAS, the Township of Morris (hereinafter the "Township") has a demonstrated history of voluntary compliance with its affordable housing obligations as evidenced in its Third Round record; and

WHEREAS, pursuant to N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Township of Morris filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, satisfied its "fair share," of the regional need for low and moderate housing pursuant to the "Mount Laurel doctrine," and,

WHEREAS, that culminated in a Third Round Housing Element and Fair Share Plan adopted by the Planning Board and a Final Judgement of Repose in 2018; and,

WHEREAS, in 2022 Fair Share Housing Center filed a declaratory judgment action against the Township alleging an increase in the Township's Third Round realistic development potential relating to an overlay zone adopted in connection with the Red Bulls soccer team relocating its training facility to the former Honeywell Corporation headquarters, which litigation resulted in a settlement providing for a 50-unit 100-percent affordable multifamily development on Ketch Road; and

WHEREAS, the Township continues to incorporate and implement its Third Round Housing Element and Fair Share Plan; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2. which amended the 1985 Fair Share Housing Act (hereinafter the "Amended FHA"); and,

WHEREAS, on October 18, 2024, New Jersey Department of Community Affairs ("NJDCA") published local and regional affordable housing obligations pursuant to P.L. 2024, c.2. proposing that Township of Morris has a Fourth Round present need, or rehabilitation, obligation of 9 units and a prospective need obligation of 571 units; and

WHEREAS, the Township adopted a binding Resolution that its Fourth Round Affordable Housing obligation included a present need obligation of 9 units and a prospective need obligation of 308 units prior to January 30, 2025; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Courts ("AOC") Directive #14-24, the Township filed a timely Fourth Round Declaratory Judgment Complaint ("DJ Action") with the Affordable Housing Dispute Resolution Program (the "Program") on January 30, 2025; and,

WHEREAS, the Fair Share Housing Center ("FSHC") filed an Answer to the DJ Action as did the New Jersey Builders Association ("NJBA"), both objecting to the position taken by the Township on the prospective need obligation; and

WHEREAS, pursuant to the Amended FHA and the AOC's Directive #14-24, the Township and the FSHC entered into negotiations as part of the Program and NJBA notified the Program in writing that their counsel would not participate in the settlement negotiations and would not object to any settlement reached between the Township and the FSHC; and

WHEREAS, a settlement was entered into between the parties before the Honorable Thomas Miller, A.J.S.C. (ret.) of the Program providing that the Township's Fourth Round affordable housing obligation for present need is 9 units and prospective need is 375 units; and

WHEREAS, an Order was entered by The Honorable Janine M. Allen, JSC establishing the present and prospective need obligations as 9 units and 375 units, respectively, on May 2, 2025; and

WHEREAS, the Township authorized the preparation of a Fourth Round Housing Element and Fair Share Plan ("HEFSP") to be prepared by the Township Planners, Elizabeth Leheny, AICP/PP, of Phillips Preiss Grygiel Leheny Keller, LLC in association with Paul Phillips, AICP/PP, and after proper notice and public hearing the Planning Board of the Township of Morris adopted the Fourth Round HEFSP on June 16, 2025; and

WHEREAS, interested parties were permitted to file challenges with the Program to the HEFSP and several challenges were filed to the Township's Fourth Round HEFSP; and

WHEREAS, the Township participated in mediations and sessions pursuant to, and before, the Program and ultimately entered into Settlement Agreements with FSHC, dated December 8, 2025 and amended December 17, 2025, and Russo Acquisitions LLC, dated December 17, 2025; and

WHEREAS, Program Judge Hon. Thomas C. Miller, JSC, (ret.) entered a Recommendation Decision, dated February 5, 2026, recommending (1) acceptance of the settlements, (2) dismissal of the Challenge filed by Danbro Properties, and (3) formally approving the Township's Fourth Round HEFSP (as amended); and

WHEREAS, Hon. Janine Allen, JSC, serving as the Mount Laurel Judge, entered an Order, dated February 24, 2026, ordering that (1) the Settlements are approved, (2) the endorsed Fourth Round HEFSP (as amended) is approved, (3) the challenge filed by Danbro Properties is dismissed, (4) the Township is authorized to adopt and file the Amended Fourth Round HEFSP and notice and adopt the implementing ordinances and resolutions on or before March 16, 2026, and (5)

thereafter the Court shall schedule a Fairness and/or Compliance Hearing to consider approval of the Amended Fourth Round HEFSP and enter the Township's certification of compliance and repose from builder's remedy and/or exclusionary zoning litigation in the Fourth Round and the period 2025 to 2035; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of Morris held a public hearing on the Amended Fourth Round HEFSP on March 2, 2026; and,

WHEREAS, the Planning Board determined, after hearing testimony from the Township Planner and the public, that the attached Amended Fourth Round HEFSP will guide the use of lands in the Township in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve access to affordable housing to meet the Township's Fourth Round Mount Laurel constitutional affordable housing obligations and considers the lands that are most appropriate for construction of low and moderate income housing in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, the Planning Board recommends by this Resolution that the Township Committee of the Township of Morris endorse the amended Fourth Round HEFSP; and

NOW, THEREFORE, BE IT RESOLVED, on this 2nd day of March 2026, that the Planning Board of the Township of Morris, County of Morris, State of New Jersey, as follows:

1. The foregoing recitals are incorporated herein as if set forth in full.
2. The Planning Board, having reviewed the proposed Amended Fourth Round HEFSP, finds the same will guide the use of lands in the Township in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve access to affordable housing to meet the

Township's Fourth Round Mount Laurel constitutional affordable housing obligations and considers the lands that are most appropriate for construction of low and moderate income housing in accordance with N.J.S.A. 52:27D-310.

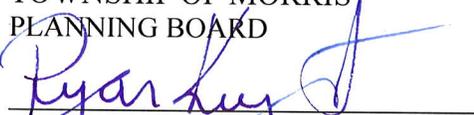
3. The Planning Board hereby adopts the Amended Fourth Round HEFSP attached hereto as Exhibit A.
4. This Resolution and the Amended Fourth Round HEFSP shall be filed with the Superior Court no later than March 16, 2026;
5. The Secretary of the Planning Board shall forward a copy of this Resolution, with the attached Fourth Round HEFSP, to the New Jersey State Office of Planning Advocacy and to the Morris County Planning Board, within 30 days of the date of adoption of this resolution, and a notice that the Fourth Round HEFSP has been adopted shall be sent to the municipal clerk of each adjoining municipality; and
6. This Resolution shall be effective immediately upon adoption.

Adopted: March 2, 2026

Memorialized: March 2, 2026

I, Ryan Kurpat, Secretary of the Planning Board, in the County of Morris, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution passed at a regular meeting of the Township of Morris held on March 2, 2026.

TOWNSHIP OF MORRIS
PLANNING BOARD



Ryan Kurpat, Secretary
Township of Morris Planning Board