



Engineering
& Design

Fourth Round Housing Element & Fair Share Plan

Township of Byram

May 15, 2025

Prepared for:

Township of Byram
Sussex County, New Jersey

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Sussex County, New Jersey

Adopted by the Planning Board: **June 5, 2025**

Endorsed by the Mayor and Council: _____



The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

BYTP0002

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I. Introduction

According to the New Jersey Fair Housing Act of 1985 (L. 1985, c. 222, s. 1, eff. July 2, 1985), a Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing.

This report is the Township of Byram's Housing Element and Fair Share Plan ("HEFSP") for the period between 2025 and 2035 (known as the Fourth Round). Byram seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules¹, Third Round Rules² (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Present Need (Rehabilitation Obligation)
2. Prior Round (First and Second Rounds) Obligations (1987-1999)
3. Third Round Obligation (1999-2025)
4. Fourth Round Prospective Need Obligation (2025-2035)

Municipal Summary

Byram Township (known colloquially as the "Township of Lakes") is located in northwestern New Jersey in the southeast corner of Sussex County, nestled in the heart of the New Jersey Highlands. Bordering Warren County to the southwest and Morris County to the south, Byram Township maintains the flavor of a rural community. Byram's easternmost boundary is Lubbers Run, which separates the Township from Hopatcong Borough (Sussex County). The southernmost boundary borders Stanhope Borough (Sussex County) and Mount Olive Township (Morris County). On the southwest is Allamuchy Township (Warren County); on the west and north are Green Township (Sussex County), Andover Borough (Sussex County), and Andover Township (Sussex County); and on the north, Sparta Township (Sussex County).

Major thoroughfares traversing Byram Township including Interstate 80, which crosses the southwestern corner of the Township, and US Route 206, which bisects the Township north to south. State Route 15 runs north to south just east of Byram, providing access to the eastern part of the Township near Lake Mohawk. Byram is considered one of the Gateways to Sussex County and the New Jersey Highlands.

Containing more than two-dozen lakes and ponds, this 'Township of Lakes' finds most of its settlements around the larger lakes. The Township is composed of three watersheds, feeding three major regional rivers: Lake Mohawk is in the headwaters of the Wallkill River; Forest and Panther Lakes are in the headwaters of the Pequest River; and the Musconetcong River watershed comprises about 90% of the Township and, with its tributary Lubbers Run, forms the Township's southern border.

¹ NJAC 5:91 (Procedural) and NJAC 5:93 (Substantive) Rules. They can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

² NJAC 5:96 (Procedural) and NJAC 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

Affordable Housing Goals

It is the overall goal of the HEFSP to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act, the laws of the State of New Jersey, the Highlands Regional Master Plan, and the natural limitations of the environs within the Township of Byram.

Housing Goals

1. Provide for a mix of housing types to meet existing and future population needs.

Housing Objectives

1. Implement Byram's Fair Share Plan and Housing Element pursuant to the Fair Housing Act, to meet indigenous housing needs.
2. Provide housing opportunities for senior citizens and low-moderate income families.

Affordable Housing History

Mount Laurel Doctrine

Affordable housing planning in New Jersey dates back to 1975, when the New Jersey Supreme Court ruled in *Southern Burlington County NAACP v. the Township of Mount Laurel* 67 N.J. 151 (1975), 336 A.2d 713, that each municipality within New Jersey has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. This landmark decision is commonly referred to as "Mount Laurel I" or the "Mount Laurel Doctrine". The court found that Mount Laurel Township's zoning ordinance only permitted one type of housing—single-family detached dwellings, while all other types of multi-family housing, such as garden apartments, townhomes, or mobile home parks, were prohibited, which the court determined resulted in economic discrimination and exclusion of substantial segments of the area population, and therefore the zoning ordinance was unconstitutional and invalid.

In 1983, the New Jersey Supreme Court issued another monumental decision in *Southern Burlington County NAACP v. Mt. Laurel*, 92 N.J. 158 (1983) 456 A.2d 390, which became known as the "Mount Laurel II" decision. In this case, the Supreme Court upheld and expanded upon the Mount Laurel I decision. Mount Laurel II clarified that the constitutional obligation applies to all municipalities, not just the "developing" municipalities as referenced in Mount Laurel I. Each municipality is required to establish zoning that provides a realistic opportunity for the construction of affordable housing to comply with the municipality's fair share obligation. Mount Laurel II established the "Builder's Remedy" as a judicial mechanism to enforce the Mount Laurel Doctrine. A Builder's Remedy lawsuit allows a plaintiff (typically a developer) to challenge a municipality's zoning ordinance if it fails to create a realistic opportunity to provide affordable housing units to meet the constitutional fair share obligation.

In 1985, the Fair Housing Act ("FHA") was enacted in response to the court decisions, which provided an administrative process for municipal compliance. The FHA also created the New Jersey Council on Affordable Housing ("COAH"), which was the governmental agency responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process.

Prior Rounds (1993-1999)

Under COAH, the First Round of affordable housing spanned from 1987 to 1993, followed by the Second Round from 1993 to 1999. The First Round Substantive Rules were enacted under N.J.A.C. 5:92 and the Second Round Substantive Rules were enacted under N.J.A.C. 5:93.

Byram's Prior Round Compliance

The Township of Byram received Second Round substantive certification on May 14, 2007. COAH established Byram's 1987-1999 pre-credited need at 61 affordable units, comprised of 33 new construction units and 28 rehabilitation units. At that time, the Township had met its second round rehabilitation obligation of 28 units and had planned to meet the new construction obligation of 33 units in the Village Center.

The Village Center was the only area within the Township where the Second Round Plan envisioned the affordable housing obligation could be met. Following the adoption of the 2002 Byram Smart Growth Plan, the Township petitioned the State Planning Commission to designate the Byram Village Center as a Village Center in the State Development and Redevelopment Plan ("SDRP" or "State Plan"). The Smart Growth Plan coupled with an agreement with COAH for Second Round Substantive Certification designating the Village Center as the location for all affordable units necessary in the First and Second Round of COAH certification formed the core of the application for center designation. Byram Township received Designated Village Center Status from the State Planning Commission May 19, 2004.

Due to center-based planning and existing infrastructure, the Village Center area continued to be the primary area where new affordable units could be built. The area was zoned for a 20 percent affordable set-aside, which at that time gave the Township a total of 25 affordable units. The Township had planned to address its obligation with family rentals, senior for sale units, and associated bonuses. Affordable housing units and market rate units to address the Prior Round obligation were not built, therefore, the Township does not have any credits to apply to its current Prior Round obligation.

The 2016 Third Round HEFSP included updated determinations of the Prior Round obligations and continued reliance on the development of the Village Center to meet prior round and Third Round obligations.

Third Round (1999-2025)

The Third Round of affordable housing commenced in 1999, which was supposed to end in 2018; however, due to numerous legal challenges and court orders, the Third Round was ultimately extended through 2025.

The first version of COAH's Third Round Substantive Rules was enacted under N.J.A.C. 5:94 in 2004. This version of the rules was challenged and in January 2007 the Appellate Court issued a decision requiring COAH to revise its rules.

In October 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements. The Third Round methodology, adopted in September 2008, required that a municipality's fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four

market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH's rules.

In 2009, appeals were filed regarding the new Third Round Rules' growth share methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. The Supreme Court issued a decision on September 26, 2013, finding that the key set of rules establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the FHA and the Mount Laurel Doctrine. The Supreme Court instructed COAH "to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds," within five months, which was later extended to November 2014.

In July 2014, COAH proposed new Third Round under N.J.A.C. 5:98 and 5:99. However, the new rules were never formally adopted by COAH.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015, which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allowed low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provides a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

The transitional process created by the Supreme Court tracked the FHA procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regions' low- and moderate-income households.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Between 2015 and 2024, municipalities that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Housing Element and Fair Share Reports, and most municipalities concluded the process with a judgment of repose and compliance ("JOR") from the courts. As a result of COAH's inability to function, the Third Round period spanned from 1999 to 2025, a 26-year long period as opposed to the 6-year periods for the first and second rounds. The Third Round is set to expire on June 30, 2025.

Byram's Third Round Compliance

On April 19, 2007, the Byram Township Planning Board adopted a Third Round HEFSP to address the Third Round Growth Share Obligation, which was slated from January 1, 2004 to January 1, 2014, pursuant to N.J.A.C. 5:96 and N.J.A.C. 5:97. The Township submitted its Third Round petition for substantive certification to COAH on November 17, 2008, which was deemed complete on December 16, 2008. At that time, as determined by COAH, the Township had a rehabilitation obligation for 1999-2014 of 24 units, a 1987-1999 Prior Round Obligation of 33 units, and a Third Round Growth Share obligation of 57 units. The Township's total obligation, at that time, was a total of 114 units. The Township had anticipated addressing the Growth Share obligation through additional new construction in the Village Center, group homes, and a municipally sponsored non-profit for-sale program. Due to the challenges to the Growth Share methodology, COAH never reviewed the Township's petition.

On May 17, 2010, Byram adopted a Revised Third Round HEFSP to address the Third Round Growth Share Obligation, which was slated from January 1, 2010 to January 1, 2020. The Township submitted its revised third round petition for substantive certification to COAH, which was deemed complete on June 7, 2010. At that time, as determined by COAH, the Township had a rehabilitation obligation for 1999-2014 of 24 units, a 1987-1999 Prior Round Obligation of 33 units, and a Growth Share obligation of 12 units. The Township's total obligation, at that time, was a total of 69 units. The Township had again anticipated addressing the Growth Share obligation through new construction in the Village Center, group homes, and a municipally sponsored non-profit for-sale program.

On September 15, 2016, the Township of Byram entered into a settlement agreement with the Fair Share Housing Center ("FSHC"), which was approved by the New Jersey Superior Court. Pursuant to the Agreement, Byram Township has a Third Round obligation of 228 units comprised of 13 rehabilitation share units; an unanswered prior obligation of 33 units of new construction; and a 182-unit fair share of prospective need. Byram adopted a HEFSP on November 3, 2016 to address those obligations and received a Final Judgement of Compliance and Repose ("JOR") from the Superior Court.

Fourth Round (2025-2035)

On March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as A4, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 ("Amended FHA") charged the Department of Community Affairs ("DCA") with the preparation of Fourth Round obligations and set forth aggressive timelines for compliance. In October 2024, DCA published a report on its calculations of regional need and municipal present need (Rehabilitation Obligation) and prospective fair share obligations (Fourth Round Obligation). The report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background".

The DCA calculated Byram's present need obligation as 27 units and its Fourth Round prospective need obligation as 115 units. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 21, 2025, the Township Council adopted Resolution 037-2025 accepting the DCA's calculations of the Township's present need of 27 units and prospective need obligation of 115 units.

The Township also filed a “Complaint for a Declaratory of Compliance with the Fair Housing Act” as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, the Township of Byram did not receive any challenges to its accepted obligations for the Fourth Round.

Affordable Housing Obligation

Byram’s four-part affordable housing obligation is as follows:

1. Present Need (Rehabilitation Obligation): 27 units
2. Prior Round Obligation: 33 units
3. Third Round Obligation: 182 units
4. Fourth Round Prospective Need Obligation: 115 units

HOUSING ELEMENT

II. Required Content of Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing”. As per the Municipal Land Use Law (“MLUL”), specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose conducting this inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52-27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, C.120 (C.13-20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's

most recent Highlands Municipal Build-Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands Regional Master Plan; and

- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

III. Byram's Population Demographics

Population Growth

The Township of Byram's population saw rapid growth through the 1970s. During the 1960s, Byram gained 855 new residents followed by 2,976 new residents during the 1970s. However, since 1990, the Township's population has been increasing slowly with a slight decrease in 2020. As of the 2023 Census, the population of Byram was 8,082, which is 268 residents less than its peak of 8,350 in 2010. See the table below for additional details.

Population Growth			
Year	Population	Change	Percent
1940	373	--	--
1950	761	388	104.0%
1960	1,616	855	112.4%
1970	4,592	2,976	184.2%
1980	7,502	2,910	63.4%
1990	8,048	546	7.3%
2000	8,254	206	2.6%
2010	8,350	96	1.2%
2020	8,028	-322	-3.9%

Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000,
<https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>

The North Jersey Transportation Planning Authority ("NJTPA") projects that the Township's population will grow to 8,413 residents by 2050 from their baseline 2015 population of 8,100. This represents an increase of 313 residents, or an average increase of approximately 8.9 residents annually over 35 years. However, as noted above, the Township's estimated population according to the 2023 American Community Survey ("ACS") is 8,082, which is 80 less than projected by the NJTPA. This translates to an average annual increase of approximately 12 residents over the next 27 years.

Population Projection			
Year	Population	Change	Percent
2015	8,100	---	---
2020	8,028	-72	-0.9%
2050	8,413	385	4.8%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts,
<https://www.njtpa.org/plan2050>; 2020 Census Table P1

Age Distribution of Population

The 2023 ACS estimates just 14.4 percent of Byram's population was 65 years or older, while 22.8 percent of the population was 19 years or younger. The largest age cohort was estimated to be

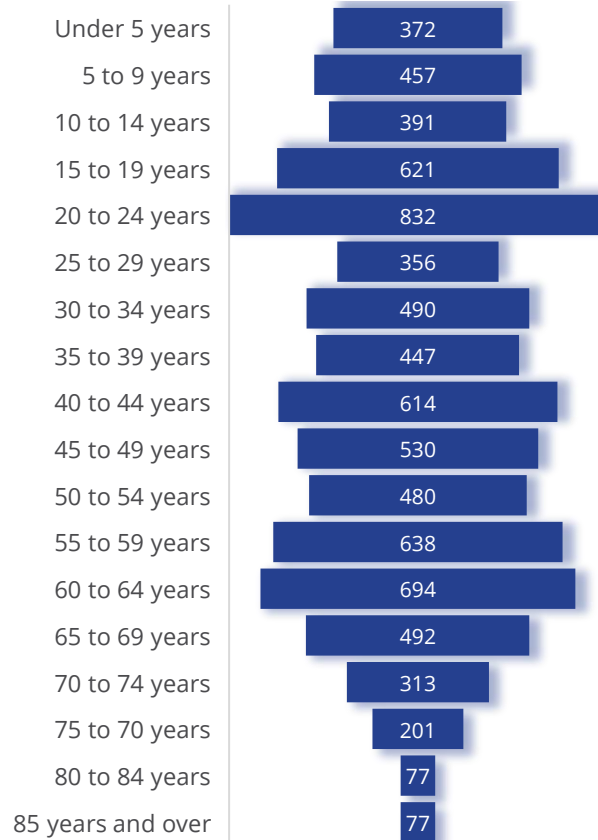
those aged 20 to 24 years, which comprised 10.3 percent (832) of the Township's population. Residents aged 60 to 64 years comprised the second-largest age cohort at 8.6 percent (694) of the population, followed closely by those aged 55 to 59 years at 7.9 percent (638) of the population. The median age was estimated at 40.6 years in the 2023 ACS. See the table and chart below for further details.

Population by Age Cohort

Age	Total	Percent
Under 5 years	372	4.6%
5 to 9 years	457	5.7%
10 to 14 years	391	4.8%
15 to 19 years	621	7.7%
20 to 24 years	832	10.3%
25 to 29 years	356	4.4%
30 to 34 years	490	6.1%
35 to 39 years	447	5.5%
40 to 44 years	614	7.6%
45 to 49 years	530	6.6%
50 to 54 years	480	5.9%
55 to 59 years	638	7.9%
60 to 64 years	694	8.6%
65 to 69 years	492	6.1%
70 to 74 years	313	3.9%
75 to 79 years	201	2.5%
80 to 84 years	77	1.0%
85 years and over	77	1.0%
Total	8,082	100%

Source: 2023 ACS Table S0101

Population by Age Cohort



Household Size & Type

According to the 2023 ACS, Byram had 2,999 households of various types. A majority were married-couple households, which comprised just over 64 percent of all households. Of those, 732 had children under 18 years old. Male householders with no spouse present comprised only 14 percent of all households, while female householders with no spouse present comprised 16.9 percent. Of all households with no spouse present, 222 had children under the age of 18 (7.4 percent), while 473 were living alone (15.8 percent). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple	1,928	64.3%
with children under 18	732	24.4%
Cohabiting couple	146	4.9%
with children under 18	35	1.2%
Male householder, no spouse	419	14.0%
with children under 18	151	5.0%
living alone	230	7.7%
Female householder, no spouse	506	16.9%
with children under 18	71	2.4%
living alone	243	8.1%
Total	2,999	100%

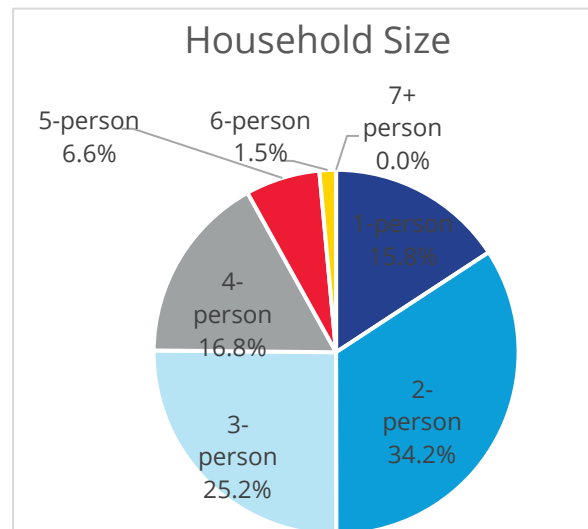
Source: 2023 ACS Table DP02

The most common household size in Byram was estimated to be two-person households, which comprised 34.2 percent of households in 2023. Three-person households comprised the second-largest number of households at just over 25 percent. Finally, one-person households comprised 15.8 percent of the 2,999 households in Byram. It should be noted that 44 households contained six people. The table and pie chart below graphically illustrate the household size composition in Byram.

Household Size

Size	Total	Percent
1-person	473	15.8%
2-person	1,026	34.2%
3-person	755	25.2%
4-person	503	16.8%
5-person	198	6.6%
6-person	44	1.5%
7+ person	0	0.0%
Total	2,999	100%

Source: 2023 ACS Table B11016



Income & Poverty Status

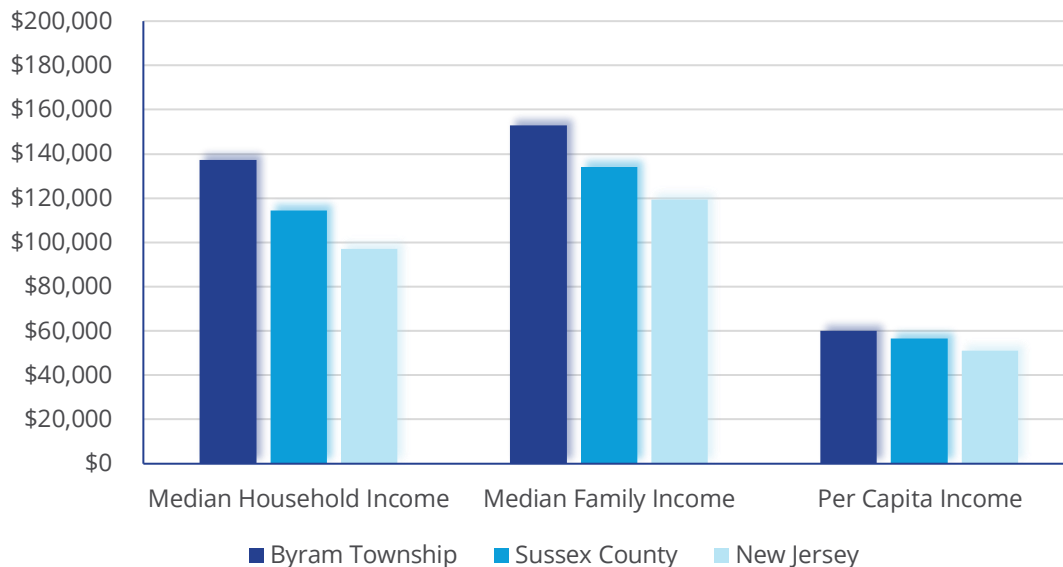
The 2023 ACS estimated the median household income for the Township of Byram to be \$137,367, which is over \$23,000 more than Sussex County's and over \$40,000 more than the State's. Similarly, the median family income for Byram was estimated at \$152,853, which is over \$18,000 greater the County's and over \$33,000 greater than the State's. Finally, the Township's per capita income was estimated at \$60,090, which is greater than the County's and greater than the State's. Based on this data, residents of Byram represent a higher economic security in comparison to the incomes of Sussex County and the median State incomes. This is reflected in the poverty rates of individuals and families estimated in the 2023 ACS. Byram's poverty rate for individuals was estimated at 2.4 percent, which is less than the County's by 3 percent and less than the State's by 7.3 percent. The Township's poverty rate for families was estimated at 2 percent, which is 1.5 percent less than the County's and less than the State's by 4.9 percent. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	Byram Township	Sussex County	New Jersey
Median Household Income	\$137,367	\$114,316	\$97,126
Median Family Income	\$152,853	\$134,187	\$119,240
Per Capita Income	\$60,090	\$56,471	\$50,995
Poverty Status (Percent of People)	2.4%	5.4%	9.7%
Poverty Status (Percent of Families)	2.0%	3.5%	6.9%

Source: 2023 ACS Table DP03

Income Characteristics



According to the 2023 ACS, over 27 percent of households in Byram (826) earn over \$200,000 or more annually. Household earning \$100,000 or more annually were estimated to include 1,954 households or 65.2 percent of all households in Byram. Over 56 percent of household in Sussex County earned at least \$100,000 annually, including 20.6 percent earning more than \$200,000.

Households in New Jersey earning \$100,000 or more according to the 2023 ACS included 48.8 percent of households. It should be noted that only 12.4 percent of households in Byram earned less than \$50,000. See the table below for additional details.

Household Income

Income Range	Byram Township		Sussex County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	35	1.2%	1,542	2.7%	139,920	4.1%
\$10,000 to \$14,999	0	0.0%	675	1.2%	102,608	3.0%
\$15,000 to \$24,999	90	3.0%	2,220	3.9%	185,476	5.4%
\$25,000 to \$34,999	90	3.0%	2,199	3.8%	196,998	5.7%
\$35,000 to \$49,999	156	5.2%	3,574	6.2%	281,264	8.2%
\$50,000 to \$74,999	322	10.7%	7,004	12.2%	455,543	13.2%
\$75,000 to \$99,999	352	11.7%	7,480	13.0%	397,730	11.6%
\$100,000 to \$149,999	588	19.6%	12,639	22.0%	620,335	18.0%
\$150,000 to \$199,999	540	18.0%	8,176	14.3%	396,837	11.5%
\$200,000 or more	826	27.5%	11,819	20.6%	661,451	19.2%
Total	2,999	100%	57,328	100%	3,438,162	100%

Source: 2023 ACS Table DP03

IV. Byram's Housing Demographics

Housing Type

The 2023 ACS estimated the Township's housing stock at 3,297 units, which contains a variety of residential dwellings. Single-family, detached dwellings comprised a majority of the housing stock with 13,216 units or 97.5 percent of all dwellings. One-unit, attached dwellings (e.g. townhomes) comprised 16 units (0.5 percent), while two-family dwellings comprised 6 units (0.2 percent) of the housing stock. The Township contains 7 multi-family units (0.2 percent), which are buildings containing five or more dwelling units. It should be noted that the 2023 ACS estimated 36 dwellings to be 3 to 4 unit homes. See the table below for details.

Housing Units in Structure

Structure	Number of Units	Percent
1-unit, detached	3,216	97.5%
1-unit, attached	16	0.5%
2 units	6	0.2%
3 or 4 units	36	1.1%
5 to 9 units	7	0.2%
10 to 19 units	0	0.0%
20 or more units	16	0.5%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
Total	3,297	100%

Source: 2023 ACS Table DP04

Occupancy Status

Of the 3,297 residential units, 2,999 units, or 91 percent of the housing stock, was occupied. This includes 2,869 owner-occupied units and 130 rental units. The 298 vacant units included properties classified as "seasonal" and "for rent". See the table on the following page for details.

The 2023 ACS estimated the average household size in Byram was 2.69 persons, while the average family size was 3.01 persons. Comparing tenure, the average owner-occupied household was 2.72, while the average renter-occupied household was 2.02 persons.

Occupancy Status

Status	Units	Percent
Occupied Total	2,999	91.0%
Owner Occupied	2,869	95.7%
Renter Occupied	130	4.3%
Vacant Total	298	9.0%
For rent	16	5.4%
Rented, not occupied	0	0.0%
For Sale	0	0.0%
Sold, not occupied	5	1.7%
Seasonal	277	93.0%
For migrant workers	0	0.0%
Other	0	0.0%
Total	3,297	100%

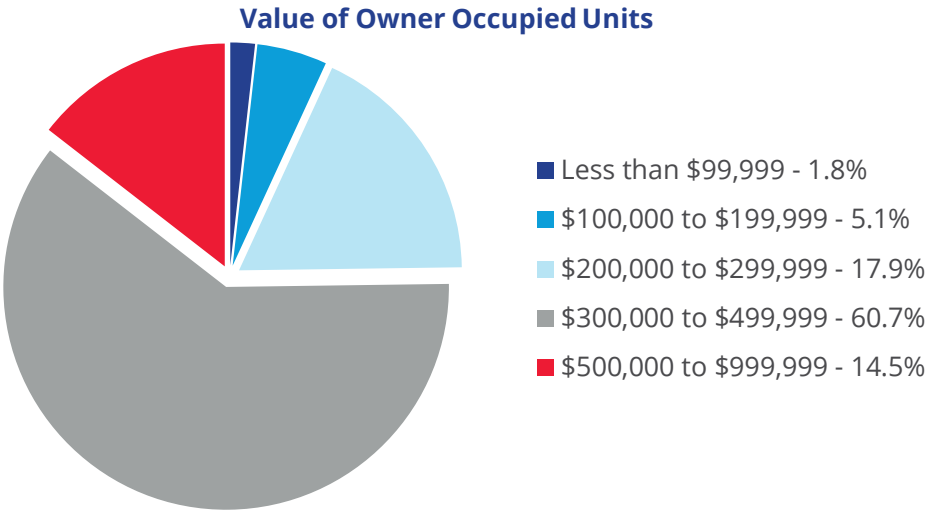
Source: 2023 ACS Tables DP04 & B25004

Value & Rent of Housing Stock

The 2023 ACS provided estimates for owner-occupied housing units in Byram. According to the data, a plurality of homes in the Township were worth between \$300,000 and \$499,999 (60.7 percent). Homes worth between \$200,000 and \$299,999 comprised 17.9 percent of the owner-occupied housing units, while 5.1 percent of homes were estimated to be worth between \$100,000 and \$199,999. Only 14.5 percent of homes (416 units) were valued between \$500,000 and \$999,999, while no homes were estimated to be worth more than \$1 million. The median home value estimated in the 2023 ACS was \$365,300. See the table below and chart on the following page for details.

Value of Owner Occupied Units

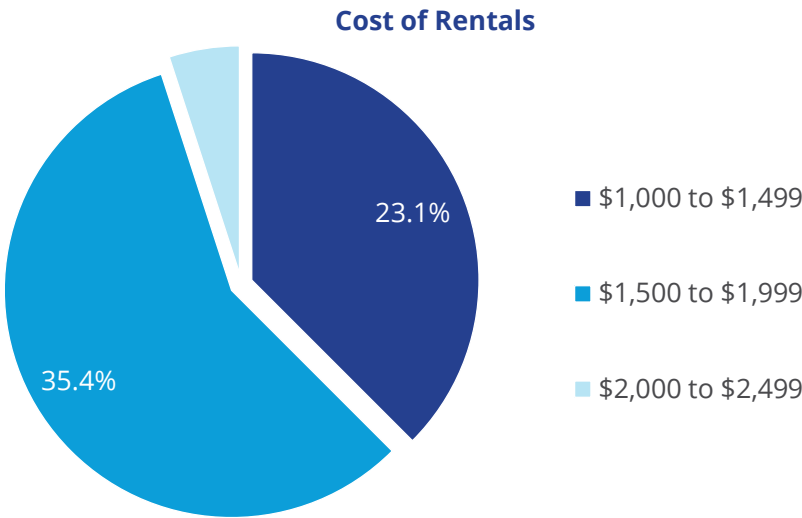
Value	Number of Units	Percent
Less than \$99,999	51	1.8%
\$100,000 to \$199,999	146	5.1%
\$200,000 to \$299,999	514	17.9%
\$300,000 to \$499,999	1,742	60.7%
\$500,000 to \$999,999	416	14.5%
\$1,000,000 or more	0	0.0%
Total	2,869	100%
Median Value	\$365,300	



The median rent in the Township was estimated at \$1,674 per the 2023 ACS. Looking at the rent ranges, 35.4 percent of the Township's rental units (46 units) fell between \$1,500 and \$1,999 per month. Units that cost between \$1,000 and \$1,499 comprised 23.1 percent of rentals (30 units), while only 9.2 percent (12 units) cost between \$2,000 and \$2,499 per month. It should be noted that over 29 percent of units have no rent paid (38 units). See the table below and chart on the following page for more information.

Cost of Rentals		
Cost	Number of Units	Percent
Less than \$1,000	0	0.0%
\$1,000 to \$1,499	30	23.1%
\$1,500 to \$1,999	46	35.4%
\$2,000 to \$2,499	4	3.1%
\$2,500 to \$2,999	12	9.2%
\$3,000 or more	0	0.0%
No rent paid	38	29.2%
Total	130	100%
Median (in dollars)	\$1,674	

Source: 2023 ACS Table DP04



Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low and moderate income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. Those three indicators are:

- Houses built before 1970 and which are overcrowded with more than one person per room;
- Homes lacking complete plumbing;
- Homes lacking kitchen facilities.

Most of the Census indicators available at the municipal level indicate a sound housing stock. Only seven occupied homes were estimated to not contain complete telephone service, while all homes within the Township had adequate heat, plumbing, and kitchen facilities.

Condition of Housing Stock		
Condition	Number of Units	Percent
Lack of complete plumbing	0	0.00%
Lack of complete kitchen	0	0.00%
Lack of telephone service	7	0.2%
Lack of adequate heat	0	0.0%
Total Occupied Housing Units	3,297	0.21%

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development. According to the 2023 ACS, all of the Township's 2,999 occupied housing units contained 1.00 or less persons per room.

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	2,999	100.0%
1.01 to 1.50	0	0.0%
1.51 or more	0	0.0%
Total	2,999	100%

Source: 2023 ACS Table DP04

Research has demonstrated that units built 50 or more years ago (i.e. 1975 or earlier) are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing as discussed above.

The table and bar graph on the following page provide the 2023 ACS estimates for the age of housing units in Byram. An estimated 1,570 units, or 47.6 percent, of the Township's housing stock were constructed prior to 1970 with an estimated 12.3 percent being constructed prior to 1940. Residential development in Byram boomed during the 1970s and 1980s as an estimated 38.9 percent of the Township's housing stock was constructed during this era. Since 1990, only 446 homes have been constructed (8 percent). See the table and chart on the following page for more details. The Township's Rehabilitation Obligation is 27 units, reflecting the relatively good condition of these older homes.

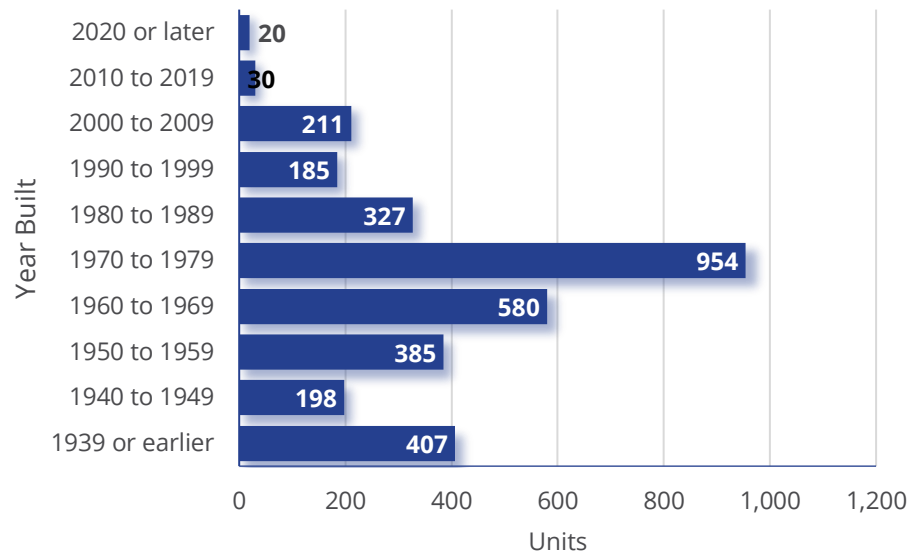
It should be noted that the "2020 or later" line item may be inaccurate. The New Jersey Department of Community Affairs' ("DCA"), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through 2024 and 5 certificates of occupancy have been issued for new residential units since the beginning of 2020. See the tables on page 24 for additional details.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	407	12.3%
1940 to 1949	198	6.0%
1950 to 1959	385	11.7%
1960 to 1969	580	17.6%
1970 to 1979	954	28.9%
1980 to 1989	327	9.9%
1990 to 1999	185	5.6%
2000 to 2009	211	6.4%
2010 to 2019	30	0.9%
2020 or later	20	0.6%
Total	3,297	100%

Source: 2023 ACS Table DP04

Age of Housing Stock



V. Byram's Employment Demographics

The 2023 ACS estimated that Byram had 4,792 residents over the age of 16 in the workforce. Of those, 4,505 (94.4 percent) were employed, which translates to a 6 percent unemployment rate. A majority of workers were private wage and salary worker (75.1 percent). However, 14.6 percent were workers employed by the government and 4.2 percent were self-employed. See the table below for details.

Class of Workers

Class	Workers	Percent
Private wage and salary workers	3,600	75.1%
Government workers	702	14.6%
Self-employed workers	203	4.2%
Unpaid family workers	0	0.0%
Total employed residents	4,505	94.0%
Total unemployed residents	287	6.0%
Total residents in workforce	4,792	100%

Source: 2023 ACS Table DP03

Occupational Characteristics

The 2023 ACS estimated 2,311 workers were employed management, business, science, and arts fields, which represents 51.3 percent of the Township's employed residents. Sales and office workers totaled 22.3 percent of employed residents, while 11.6 percent were employed in service jobs. See the table below for details.

Occupation of Employed Population

Occupation	Workers	Percent
Management, business, science, & arts	2,311	51.3%
Service	524	11.6%
Sales & office	1,004	22.3%
Natural resources, construction, & maintenance	344	7.6%
Production, transportation, & material moving	322	7.1%
Total	4,505	100%

Source: 2023 ACS Table DP03

Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Byram will increase from 1,278 reported in 2015 to 1,487 in 2050. This represents an increase of 209 jobs, or an average annual increase of 5.9 jobs annually. However, as detailed in the following section, the New Jersey Department of Labor and Workforce Development estimated a total of 191 jobs in Byram in 2023, which is 1,296 less than projected by NJTPA. Utilizing this number, roughly 48 new jobs would need to be created within the Township each year for the next 27 years.

Employment Projection

Year	Jobs	Change	Percent
2015	1,278	---	---
2050	1,487	209	16.4%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts,
<https://www.njtpa.org/plan2050>

In-Place Employment by Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were 109 private sector jobs within the Township, which were provided by an average of 10 employers. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (construction, manufacturing, retail trade, etc.) The "Private Sector Total" row in the table on the following page provides the totals for the reported data only. However, the 2023 QCEW reported that Byram had an average of 191 private-sector jobs provided by 30 employers, including the redacted data. Additionally, the QCEW data reflects employment within Byram, regardless of where the employee lives.

Based on the 2023 QCEW data provided, the accommodations and food industry contained the largest number of jobs in the Township with an average of 65 jobs (25.4 percent). These jobs were provided by five employers, which is one of the largest industry of employers in Byram. The "other services" industry had also five employers but the least number of average jobs (44). In the public sector, the 2023 QCEW Municipal Report indicated that there were two local government employers, both local government education employers, which had an average of 147 jobs. See the table on the following page for data on each industry sector.

Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction/Manufacturing	-	-	-	-	-
Retail Trade/Wholesale Trade	-	-	-	-	-
Transportation/Warehousing	-	-	-	-	-
Information	-	-	-	-	-
Finance/Insurance/Real Estate	-	-	-	-	-
Professional/Technical	-	-	-	-	-
Admin/Waste Remediation	-	-	-	-	-
Health/Social	-	-	-	-	-
Arts/Entertainment	-	-	-	-	-
Accommodations/Food	5	16.7%	65	34.0%	\$24,401
Other Services	5	16.7%	44	23.0%	\$26,769
*Redacted	20	66.7%	82	42.9%	\$40,886
Private Sector Total	30	100%	191	100%	\$32,024
Federal Government	-	-	-	-	-
Local Government	2	16.7%	147	57.4%	\$60,996
Local Government Education	2	16.7%	147	57.4%	\$60,996
Public Sector Total	2	17%	147	57%	\$60,996

Source: The table values above are sourced from the NJDLWD's QCEW 2023 Municipal Report. It is noted that this Report has redacted multiple private sector industries for not meeting the minimum publication standard.

Travel Time to Work

The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 45 and 59 minutes, which was made by 524 workers (14.1 percent). A commute between 20 and 24 minutes followed close behind with 469 workers (12.6 percent). Rounding off the top three was a commute of 30 to 34 minutes, which was reported by 442 workers (11.9 percent). The mean travel time was estimated at 35.5 minutes. It should be noted that 249 workers (6.7 percent) reported a commute of more than one hour. Additionally, 690 workers, or 15.6 percent of the Township's employed residents, reported working from home. See the table and chart on the following page for additional details.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	22	0.6%
5 to 9	159	4.3%
10 to 14	398	10.7%
15 to 19	402	10.8%
20 to 24	469	12.6%
25 to 29	244	6.6%
30 to 34	442	11.9%
35 to 39	139	3.7%
40 to 44	252	6.8%
45 to 59	524	14.1%
60 to 89	416	11.2%
90 or more	249	6.7%
Total	3,716	100.0%

Source: 2023 ACS Table B08303

VI. Projection of Housing Stock

As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

The DCA Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and certificate of occupancy information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Township's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, the issuance of residential certificates of occupancy varies from year to year in the Township of Byram. A total of 36 residential COs were issued from 2013 to 2023. It is noted that the Construction Reporter indicates no reports were received from Byram during 2024. Since 2013, a total of 24 demolition permits were issued, which equates to a net of 12 new residential units.

Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	5	2	6	4	0	13	1	1	2	0	2	NR	36
Demolitions	2	2	6	3	3	2	3	0	2	1	0	NR	24
Net Development	3	0	0	1	-3	11	-2	1	0	-1	2	NR	12

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data

Projecting into the future, given the limited remaining vacant land within the Highlands Center, it is not expected that any significant residential developments will occur within the next ten years. The Township projects an average of 1-2 new dwellings per year, which could yield approximately 15 new units by 2035.

VII. Capacity for Fair Share

This chapter of the HEFSP provides the following information as required:

- The Township's capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing.
- Lands of developers who have expressed a commitment to provide low and moderate income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

Byram's capacity to accommodate its present and prospective affordable housing need is determined by three components: available land, water availability/capacity, and sewer availability/capacity. Land development is limited by parcel size, easements (conservation, sewer, water, etc.), municipal regulations, and a variety of environmental features.

Over 85 percent of Byram Township's total land area is encumbered by environmentally sensitive areas. Environmental constraints within the Township include the following:

- Waterbodies – Byram contains 157 waterbodies totaling 907.3 acres (6.2% of Township).
- Wetlands - 1,213.8 acres (8.3% of Township)
- FEMA Special Flood Hazard Area Zones:
 - Zone A: 1,202.1 acres (8.3% of Township)
 - Zone AE: 490.7 acres (3.4% of Township)
- Steep Slopes Protection Area (greater than 15% slopes) – 6,337.1 acres (43.6% of Township)
- Critical Wildlife Habitat – 12,314.6 acres (84.7% of Township)
- Highlands Open Water Protection Area ("OWPA") – 7,661.0 acres (52.7% of Township)
- Highlands Riparian Area – 5,576.1 acres (38.4% of Township)
- Prime Groundwater Recharge Areas - 3,379.8 acres (23.2 percent of Township)

In addition, the Township is located within the Highlands Region and is a fully conforming municipality. Therefore, development within the Township is also controlled and limited by the Highlands Regional Master Plan. As described in Chapter XI, the Township has prepared a highlands build-out study and determined the build-out to be 2 units for the Township.

Utility Capacity

The Township of Byram is served by a limited network of utilities. The majority of structures are served by oil heat, individual septic systems, private neighborhood water companies, and individual wells. Historically, the Township had no natural gas although the utility companies are slowly expanding service in select areas of the Township. There is no town-wide potable water network.

Only a small part of Byram is served by a sanitary sewer system. The primary method of wastewater disposal is through individual on-site septic systems.

The environmental constraints impacting the Township by its topography, surface waters, surface geology, and soils, and the limited development of regional systems have been the dominant factors in curtailing the utility network. In addition, the nature of utilities in the Township has been determined largely by the fragmented character of residential development, mostly centered around the Township's lake communities, and by the Township's limited commercial sector. Although Byram maintains an identity as a lake resort community, most of the former seasonal cottages are now year-round homes. This trend has placed a strain on the existing utility network of individual septic systems, small water utilities, and private wells. The lack of public sewers within the Township has caused the Township to enact legislation to regulate septic systems. New planning initiatives, on the local and State level, now support this approach and call upon municipalities like Byram to confine utility networks to limited growth centers and to prevent their spread into more rural areas.

Over 98 percent of Byram Township is located within the Highlands Preservation Area, which prohibits the extension of new wastewater and water supply systems. This essentially ensures that the existing configuration of water and sewer utility systems in the Township will not change in 98 percent of the Township. For the other 2 percent of Byram within the Highlands Planning Area and Highlands Center, there are limited opportunities for utility infrastructure.

Sewer

A small portion of the Township is served by a public wastewater treatment facility. According to the Township's Master Plan, Byram Township is within three designated "Section 208" drainage regions and three NJDEP designated "Section 201" planning areas.³ The Musconetcong River Basin covers nearly all of eastern, central and southern Byram, while small portions of the far western and northern areas are within the Pequest and Wallkill regions. The Musconetcong Sewerage Authority ("MSA"), located immediately southeast of Byram on the Musconetcong River, is the only wastewater treatment facility that serves the immediate area.

According to the 2022 Byram Township Wastewater Management Plan ("WMP"), Byram Township is allocated 0.1 million gallons per day (MGD) from MSA. However, the proposed build-out plus the existing flow equals 0.110807 MGD, which exceeds the allocated gallonage by 0.010807 MGD. MSA has adequate existing capacity to serve the areas identified as eligible for sewer service but would need to provide an increased allocation to Byram Township to treat the potential full build-out wastewater generation.

Water

Potable water services are largely provided by private neighborhood water companies and individual wells. Water service is supplied by a series of wells located throughout the service area including:

- Aqua New Jersey (formerly Byram Homeowners Association)

³ Section 201 of the Clean Water Act (CWA) establishes the federal role in addressing water pollution and overseeing wastewater treatment management plans and practices. Section 208 of the CWA authorizes a planning program for areas with significant water quality problems to develop and implement plans to address nonpoint source pollution, municipal and industrial wastewater treatment, and other sources of pollution that impact water quality.

- Briar Heights and Della Heights Property Owners Association
- Brookwood Musconetcong River Property Association (West Brookwood)
- Colby Homeowners Association Water Company
- Frenches Grove Water Association
- Hopatcong Water Department
- North Shore Water Association
- Sparta Department of Utilities
- Strawberry Point Property Owners Association
- Veolia (formerly East Brookwood Estates Property Owners Association)

Appropriate Locations for Affordable Housing

Given the limited availability of vacant and developable land within the Highlands Center and sewer service area, the Township does not believe there are any specific properties that are currently suitable or appropriate for the construction of low- and moderate-income.

Existing structures appropriate for conversion to affordable housing may include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Rehabilitation Obligation, 27 homes within the Township are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

Potential Affordable Housing Developers

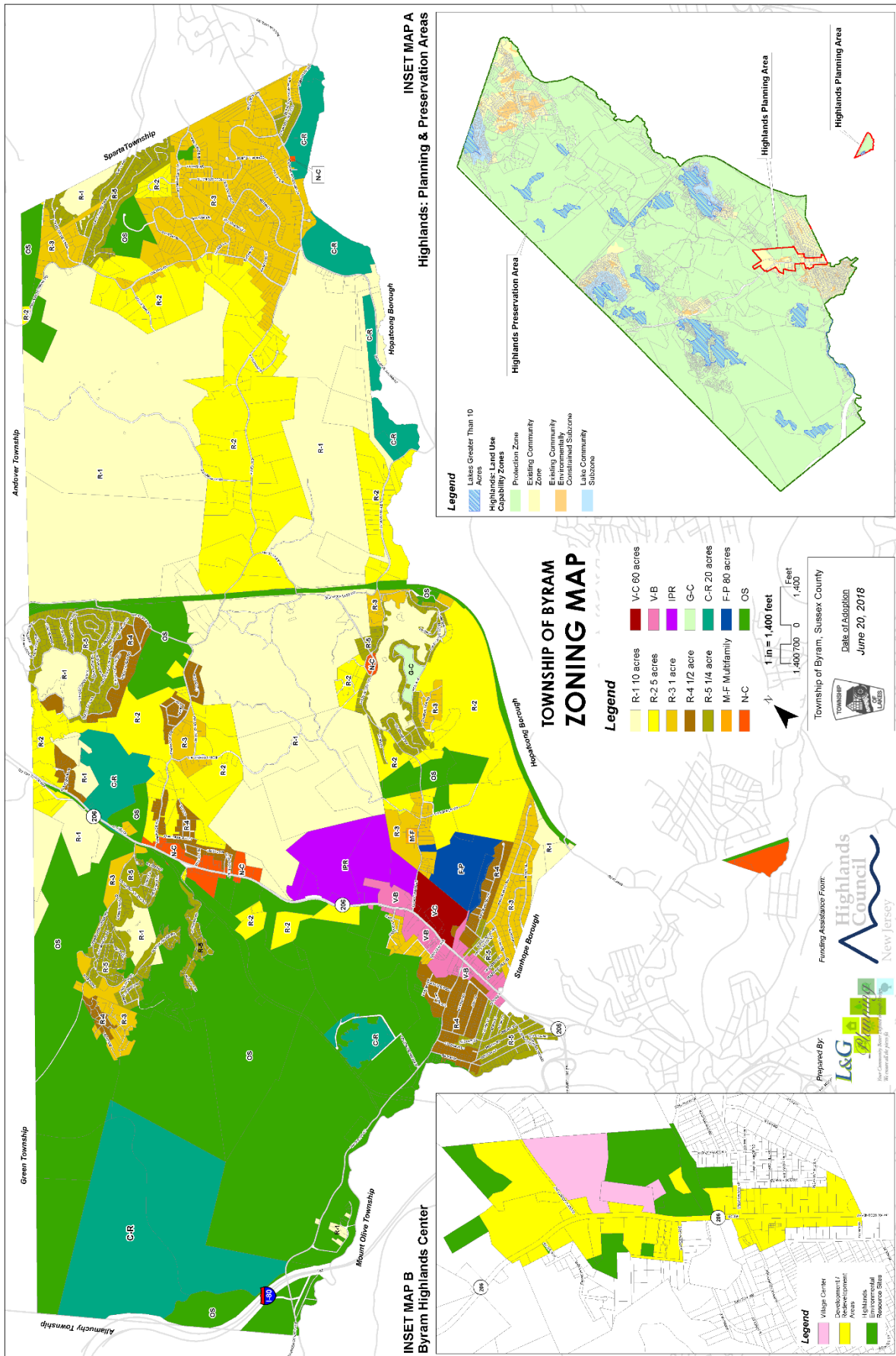
There is only one developer who has approached the Township with a concept plan or request to construct affordable housing within the Highlands Center. Gary Niec has submitted an application to the Planning Board seeking bifurcated use variance, bulk variance, and site plan exception (waiver) relief for the construction of a three-story mixed-use retail, commercial and residential building on the tract known as Lots 90.01, 90.02 and 94 in Block 41.

The subject tract is located on the east side of US Route 206, approximately 300 feet south of the Waterloo Road/Brookwood Rd intersection, immediately south of the QuickCheck gas station/convenience store. The tract contains a total of 4.5 acres and is mostly undeveloped except for paved parking areas at the front of the site on Lot 90.02 and at the rear of Lot 90.01. The property is situated within the Village Business Zone District, which permits as conditional uses apartments as the second principal use.

The proposed building would contain 15,814 square feet of commercial space on the ground floor and a total of 72 apartments units on the second and third floors (32 one-bedroom, 36 two-bedroom, and 4 three-bedroom units). The VB Zone requires that 15% of the residential units be deed restricted as affordable housing if the project is a rental project and that 20% of the residential units be deed restricted as affordable housing if the project is a for-sale project. The application has not yet been deemed complete by the Board. The Board Engineer has identified issues regarding Highlands approvals, and water and sewer capacity, which may hinder the proposed development. Should the project receive approvals from the Board, the affordable units would be credited towards the Township's unmet need.

Anticipated Development Patterns

Anticipated land use patterns within the Township of Byram will most likely follow the established zoning map. The Township does not propose any changes to the existing zoning map at this time.



Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g. has been added, which states "An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)"

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The Department of Community Affairs ("DCA") is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on March 18, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on March 18, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Byram is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Byram's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. NJSA 52:27D-310i. reads "An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission."

The Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024, and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

As the document is draft, the Township cannot opine on consistency until the final version is adopted. Byram has not received guidance from the State Planning Commission concerning water, wastewater, or multi-modal transportation.

FAIR SHARE PLAN

VIII. Required Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low- and moderate-income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO (Elderly Cottage Housing Opportunity) units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

IX. Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50 percent, but less than 80 percent, of the median gross regional household income. A low income household is one with a gross household income equal to 50 percent or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30 percent or less of the median gross household income. Byram is located in Region 1, which contains Bergen, Hudson, Passaic, and Sussex Counties.

Using the Affordable Housing Professionals of New Jersey's chart on the regional income limits for Housing Region 1 in 2024, a four-person moderate income household is capped at \$96,329. Two-person moderate-income households are capped at \$77,064, while two-person households could make up to \$48,165 to be considered a low-income household. The table below provides the median, moderate-, low-, and very-low-income limits for one-, two-, three-, and four-person households in Region 1.

2024 Regional Income Limits

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$84,288	\$96,329	\$108,371	\$120,412
Moderate	\$67,431	\$77,064	\$86,697	\$96,329
Low	\$42,144	\$48,165	\$54,185	\$60,206
Very-Low	\$25,286	\$28,899	\$32,511	\$36,124

Source: https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

X. Affordable Requirements

The four components that must be addressed by this plan are contained in the table below.

Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1990	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	27	33	182	115
RDP	--	--	1	--
Durational Adjustment	--	--	--	--
Highlands Build-Out	--	--	--	2
Unmet Need	--	--	181	113

As discussed in Chapter XI, Byram has conducted a Highlands build-out analysis, and those results indicate the Township can build 2 affordable units. The Highlands build-out restricts not just the Fourth Round Obligation, but all affordable housing obligations. Build-out is a limit on development in the entire community, blind to past outstanding affordable housing obligations. Therefore, the unbuilt Third Round RDP, unbuilt Third Round Unmet Need, and Fourth Round Obligation are adjusted to a Highlands affordable housing obligation of 2 units.

The difference between Fourth Round obligation of 81 units and the build-out of 6 units is 75 units of Highlands build-out unmet need.

XI. Byram's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Byram has been assigned.

Four-Part Obligation

Rehabilitation | 27 units

Byram had a rehabilitation obligation of 13 units for the Third Round and accepted DCA's rehabilitation obligation of 27 units for the Fourth Round.

Prior Round (1987-1999) | 33 units

The Township of Byram received Second Round substantive certification on May 14, 2007. COAH established Byram's 1987-1999 pre-credited need at 61 affordable units, comprised of 33 new construction units and 28 rehabilitation units. At that time, the Township had met its second round rehabilitation obligation of 28 units and had planned to meet the new construction obligation of 33 units in the Village Center. The 2016 Settlement Agreement and the 2016 HEFSP reaffirmed the 33-unit Prior Round obligation for Byram Township.

Third Round (1999-2025) | 182 units

For the Third Round, Byram's 2016 HEFSP addressed a 182-unit prospective need for the 1999-2025 period, as well as a rehabilitation share of 13 units. As part of the Third Round HEFSP, Byram relied upon a Vacant Land Adjustment which yielded a realistic development potential ("RDP") in the of 1 affordable housing unit.

Fourth Round (2025-2035) | 115 units

As indicated in the 2025 Order setting the Fourth Round obligations, Byram's Fourth Round Obligation is 115 units.

Highlands Build-Out Analysis

The Amended FHA requires municipalities located within the Highlands Region to provide an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build-Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan.

The Highlands Council issued a [Highlands Municipal Build-Out Update](#) dated November 1, 2024. The document outlines the process the Council utilized to determine parcels eligible for development. Utilizing Mod-IV tax data, the Highlands Council included Class 1 (Vacant) and Class 3B (Farmland Assessed) properties with 0.83 acres or greater as available for development.⁴ Parcels with a public classification (Class 15C or 15F) where 0.83 acres or greater after the existing impervious surface area is subtracted from the maximum building coverage (based on the

⁴ Utilizing a presumptive minimum density of 6 units per acre, a parcel would need to have a minimum of 0.83 acres to develop 5 units.

maximum building coverage percentage permitted by local zoning) were also included as available for development.

The Highlands Council provided conforming municipalities with access to an online GIS portal hosted through ArcGIS to evaluate identified developable properties as well as any properties that did not have a tax code classification. A review of the Highlands build-out data was performed by Paul Gleitz, P.P., AICP, Planning Consultant to Byram Township. Mr. Gleitz advised that according to the Highlands Build-out Update, there is only one remaining parcel in Byram that is not yet developed and that is still suitable for development. Block 41, Lot 90.01 has 1.61 acres of developable land in the Highlands Planning Area, with sewer and water available.

In terms of the interplay between affordable housing obligations and the build-out, the Highlands Guidance Document stresses the long historical interaction between the Council on Affordable Housing ("COAH") standards and affordable housing. This includes, the Regional Master Plan, COAH's second attempt at Round 3 rules, Executive Order 114, a Memorandum of Understanding ("MOU") between the Highlands and COAH, a 2009 guidance document from the Highlands and the 2011 Appellate Division decision upholding the Regional Master Plan ("RMP"), Executive Order 114 and the MOU – but invalidating, on non-substantive grounds, the Highlands Guidance Document and 2009 COAH resolution as rulemaking that would have had to go through the administrative rule making process. Not mentioned in the Guidance Document is that, in addition to all of those documents, COAH's proposed 2014 regulations imposed a "buildable limit" on Highlands municipalities, which corresponded to the Highlands Build-out numbers. COAH was rendered Moribund in 2015 and towns lost the benefit of the regional planning entity's interaction with COAH. This had significant consequences in Round 3 in the context of impacts on the RMP from an environmental perspective (the "Adverse Consequences").

On March 20, 2024, Governor Murphy signed amendments to the New Jersey Fair Housing Act into law. The Amended FHA made clear that the Adverse Consequences would need to be avoided in Round 4 and beyond in order to protect the State's drinking water and the environmental features of the Highlands. To effectuate renewed and legitimate protections in the Highlands, the Amended FHA provided for a lower "off-the-top" allocation in the Highlands by providing a 0-weighting factor for developable land in the Preservation Area and Planning Areas outside of a sewer service area and the Existing Community Zone.

As part of the consideration of the Regional Master Plan in the regional allocation of need, the New FHA also renews the statutory requirement that Highlands municipalities specifically comply with the Highlands Build-Out in the context of their Housing Plans.

The only way to conform with the Highlands Build-Out in the HEFSP, in the context of affordable housing, is to adjust the off-the-top number downward so that inclusionary development would not exceed the build-out. For example, if a Highland's municipality had a prospective need of 1,000 units, and a Highlands Build-out of 500 units, then it would need to have an adjusted affordable housing obligation of 100 units to achieve the maximum yield with a 20 percent affordable housing set-aside.

In addition, the municipality would consider: "opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both... that are consistent with the Highlands regional master plan".

That is precisely what the Highlands Guidance document envisions. The Highlands document provides that Build-out is effectively a cap on the number of units that can be supported in the

Township. Since the FHA cannot require a municipality to spend municipal funds on compliance (and therefore cannot compel 100% affordable projects), the only way to reconcile the build-out with the Amended FHA is assume a 20% set aside relative to the upward capacity for multi-family units in the build-out.

It should also be noted that the Highlands Municipal Build-Out Update states that a minimum presumptive density of 6 units per acre based on developable acreage should be assumed. While this recommendation is blind to specific site conditions, the guidance document does provide that the analysis should be done “within the parameters of sound land use planning, municipalities will generally have to determine appropriate densities for lands that have the potential to be serviced by public wastewater.” Thus, the Highlands Build-out also requires an analysis of suitability for multi-family use of at least 5 units.

For Byram, the one developable parcel in the sewer service area is assigned a density of 6 units per acre, which yields 9.66 total units, and an RDP of 1.932 units. This would produce a Realistic Development Potential of 2 affordable units.

In addition to the build-out, the Township must identify properties that may be suitable for redevelopment. There are presently no sites identified in Byram as being in need of redevelopment. The Township believes the only area suitable for redevelopment to produce affordable housing would be within the Village Center, which is already zoned for inclusionary housing to capture any potential redevelopment opportunities.

The Highlands build-out restricts not just the Fourth Round Obligation, but all affordable housing obligations. Build-out is a limit on development in the entire community, blind to past outstanding affordable housing obligations. Therefore, the unbuilt Third Round RDP, unbuilt Third Round Unmet Need, and Fourth Round Obligation are adjusted to a Highlands affordable housing obligation of 2 units.

Highlands Build-Out Unmet Need

For the Third and Fourth Rounds, the combined Highlands build-out is 2 units, which results in a Highlands “Unmet Need” of 294 units.

XII. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

Rehabilitation Mechanisms & Credits

The Township operates a municipally-sponsored rehabilitation program, funded by Small Cities Grant funding, to provide for loans aligned with applicant income and on-going rehabilitation for income-qualified households. Rehabilitation must occur within the affordable housing round to count for credit.

The purpose of a rehabilitation program is to rehabilitate substandard housing units occupied by low- and moderate-income households. A substandard housing unit is defined as a unit with health and safety code violations that require the repair of a major system such as weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), and/or load bearing structural system. Upon rehabilitation, housing deficiencies must be corrected, and the house must be brought up to code. The standard for evaluating rehabilitation activity shall be the local property maintenance code, or, if none is available, the BOCA (Building Officials and Code Administrators) Property Maintenance Code, in effect at the time of evaluation. The rehabilitation activity shall not include luxury improvements, the purchase of appliances (with the exception of stoves) or improvements that are strictly cosmetic. A rehabilitated unit is considered complete at the date of final inspection.

The municipal-sponsored program will continue to comply with the requirements of NJAC 5:93-5.2. Funding for the program will come from the Affordable Housing Trust Fund account and/or Small Cities Grant funding. The Township will reserve at least \$10,000 per unit, which must be repaid (with no interest) at the end of the ten-year affordability control term. The rehabilitations will be phased between 2025 and 2035.

The current operating manual can be found in the Appendix. The rehabilitation program will be marketed through a combination of some, though not necessarily all, of the following: brochures, posters in prominent locations, posted on the website, notices in municipal tax bills, notices included in municipal publications, and informational meetings with civic and religious leaders, senior citizen groups, and fraternal organizations. The designated Administrative Agent will maintain files on each program applicant.

Byram will require at least ten-year controls on affordability on owner-occupied units and on rental units. The controls on affordability may be in the form of a lien filed with the appropriate property's deed. Rents in rehabilitated units may increase annually based on the standards in NJAC 5:93-9.15.

The program functions when a potential applicant applies for eligibility and if chosen, a bid process begins, an inspection is conducted, and contractor is hired. It is anticipated that the rehabilitation program will be structured to encourage rehabilitation and continued occupancy. The program anticipates recouping rehabilitation loan funds, if the units are sold prior to the end of the affordability controls. A 0% loan is forgiven after 10 years, if ownership changes prior to the 10 year period, the loan is repaid.

Third Round Rehabilitation Share (1999-2025)

Byram provided funding to rehabilitate 15 homes during the Third Round period. The Township expended \$168,966 for hard costs and \$33,000 in administration fees, resulting in an average capital cost of \$13,464 expended per dwelling.

Fourth Round Rehabilitation Share (2025-2035)

Byram intends to continue the municipal rehabilitation program for the Fourth Round to address the 27-unit rehabilitation obligation.

Prior Round (1987-1999) Mechanisms & Credits

1. Supportive & Special Needs: 8 Francis Terrace

The Township partnered with New Bridge Services, Inc to develop a Special Needs group home at 8 Francis Terrace (Block 69, Lot 11). The non-age restricted project was built through a gut rehab/new construction funded through NJHMFA Special Needs and Development Fees. Ownership was transferred from New Bridge, Inc. to Advancing Opportunities, Inc. in 2013. The group home rents 4 bedrooms in the home to special needs very-low income (30% or below median income) individuals. The project qualifies for 4 credits and 4 bonus credits for special need rentals.

2. Supportive & Special Needs: 23 Waterloo Road

SP-V Green Properties, LLC is a private owner/operator of an alternative living group home located at 23 Waterloo Road (Block 29, Lot 207). The group rents 4 bedrooms to adults. The project qualifies for 4 credits and 4 bonus for alternative living rentals.

3. Supportive & Special Needs: 52 Lee Hill Road

Gregory and Eileen Mazzarisi are a private owner/operator of an alternative living group home located at 52 Lee Hill Road (Block 337, Lot 4). The group home rents 4 bedrooms to adults. The project qualifies for 4 credits and 4 bonus credits for alternative living rentals.

4. Supportive & Special Needs: 63 Lee Hill Road

Joseph Visceglia is a private owner/operator of an alternative living group home located at 63 Lee Hill Road (Block 336, Lot 3.05). The group home rents 4 bedrooms to adults. The project qualifies for 4 credits and 4 bonus credits for alternative living rentals.

5. Village School Apartments

The Consolidated School (Block 226, Lot 21), a 5.2 acre property located 55 Lackawanna Drive, was rezoned from R-3 single family home residential zoning to MF multi-family residential zoning in December 2013. In December 2015, Preliminary and Final Site Plan approval was granted for the development of 21 rental units on the site, with the inclusion of 3 affordable housing units (plus 3 bonus credits for rentals).

6. 14 Belton Street

One affordable housing unit for sale was constructed at 14 Belton Street through a non-profit partnership. This site is available for 1 unit of credit.

7. Venture II

Venture Two, LLC, located at 11 Route 206 in the V-B zone, was given final development approval to permit mixed commercial and residential development including 3 apartments on top of ground-floor retail, with 1 unit being affordable (plus 1 bonus credit for family rental).

8. Skylands Surgical Center

16RT 206 Stanhope NJ, LLC (a.k.a. Skylands Surgery Center) received preliminary and final site plan approval in 2021 to construct a mixed-use surgery center, doctor's office, residential apartment, and retail/office in the VB Zone (Block 41/42 Lot 95, 109.01 & 109.02), with 1 unit being affordable (plus 1 eligible bonus credit for family rental).

9. Proposed Village Center Mixed Use

The VC Village Center is approximately 55 acres located along Route 206. The area is bounded by Route 206 to the west (VB Village Business zone - existing commercial uses present), Lackawanna Drive (VB Village Business zone - adjacent to a strip mall development) and quarry operations to the north (IPR – Industrial Professional Recreational zone), the Wild West City Theme Park to the east (F-P Family Theme Park Zone), and the East Brookwood neighborhood (under the current R-2, R-3, and R-4 Residential zones) to the south.

The Village Center Inclusionary Zone is located in the Highlands Center and is zoned for an inclusionary development addressing 26 affordable units, with eligibility for 9 additional bonus credits. The Township is applying 1 credit from the VC zone to the Prior Round obligation.

10. Rental Bonus Credits

Pursuant to N.J.A.C. 5:93-5.15(d), the Township may claim 2 units of credit for rental units available to the general public (i.e. family rentals or non-age-restricted group homes) or 1.33 units of credit for age-restricted rentals. Rental bonuses for the Prior Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Prior Round, Byram has a rental obligation of 9 units and, therefore, may apply up to 9 bonus credits. Byram will utilize 9 rental bonus credits for the existing group homes to satisfy the Prior Round obligation.

Third Round (1999–2025) & Fourth Round (2025–2035) Mechanisms & Credits

Highlands RDP

As previously noted, the Highlands build-out results in an RDP of 2 units for Byram Township, which is applied to both the Third Round and Fourth Round obligations. The Township will utilize the following mechanisms to satisfy the RDP:

1. Proposed Village Center Mixed Use

The Village Center ("VC") Inclusionary Zone is located in the Highlands Center and is zoned for an inclusionary development addressing 26 affordable units, with eligibility for 9 additional bonus credits. The Township is applying 2 credits from the VC zone to the Highlands RDP obligation.

Highlands Build-out Unmet Need

For the Third and Fourth Rounds, the combined Highlands build-out is 2 units, which results in a Highlands "Unmet Need" of 294 units. The Township will utilize the following mechanisms to satisfy the unmet need:

1. Proposed Village Center Mixed Use

The Village Center ("VC") Inclusionary Zone is located in the Highlands Center and is zoned for an inclusionary development addressing 26 affordable units, with eligibility for 9 additional bonus credits. The Township is applying 23 credits from the VC zone to the Highlands Unmet Need.

2. Township-Wide Mandatory Set-aside Ordinance

The Township adopted an Affordable Housing Ordinance, last amended in 2016, which requires all residential inclusionary developments in the VC Village Center District shall be required to set aside a mandatory 20 percent of the dwelling units for the construction of very low-, low-, and moderate-income housing. To ensure that the Township captures any future opportunities for affordable housing, the Township will amend the ordinance to require any future residential development of 5 or more units throughout the entire municipality to provide a mandatory 20 percent set-aside.

Summary of Mechanisms & Credits

The table below provides a summary of the mechanisms, credits and bonuses this HEFSP proposes.

Mechanisms & Credits							
Mechanism	Credit Type	Tenure	Age-Restricted	Status	Credit	Bonus	Total
<i>Rehabilitation</i>							
Municipal Rehab Program	Rehab	Any	No	Proposed	27	0	27
Total					27	0	27
<i>Prior Round Credits</i>							
8 Francis Terrace	Supportive/Special Needs	Group Home	No	Complete	4	4	8
23 Waterloo Road	Supportive/Special Needs	Group Home	No	Complete	4	4	8
52 Lee Hill Road	Supportive/Special Needs	Group Home	No	Complete	4	1	5
63 Lee Hill Road	Supportive/Special Needs	Group Home	No	Complete	4	0	4
Village School Apartments	Inclusionary	Rental	No	Complete	3	0	3
14 Belton Street	Non-Profit Partnership	For Sale	No	Complete	1	0	1
Venture II	Inclusionary	Rental	No	Under Construction	2	0	2
Skylands Surgical Center	Inclusionary	Rental	No	Under Construction	1	0	1
Village Center Mixed Use	Inclusionary	Sales/Rental	No	Zoned	1	0	1
Total					24	9	33
<i>Highlands RDP</i>							
Village Center Mixed Use	Inclusionary	Sales/Rental	No	Zoned	2		2
<i>Highlands Build-out Unmet Need Credits</i>							
Village Center Mixed Use	Inclusionary	Sales/Rental	No	Zoned	23		23
Mandatory Set-aside			No	Proposed	TBD		TBD
Total					25	0	25

XIII. Highlands Regional Master Plan Compliance

The Amended FHA lists the essential components of a municipality's housing element. NJSA 52-27D-310h. states the following:

For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, C.120 (C.13-20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build-out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan.

The remainder of this chapter is divided into four sections – a summary of the build-out findings, site-specific consistency issues, redevelopment opportunities, and 100% affordable housing opportunities.

Highlands Build-Out

As detailed in Chapter XI., on November 1, 2024, the Highlands Council issued a Highlands Municipal Build-Out Update, which outlined the process the Council utilized to determine parcels eligible for development. Conforming municipalities were provided access to an online GIS portal to evaluate identified properties as well as any properties that did not have a tax code classification.

For Byram, the one developable parcel in the sewer service area is assigned a density of 6 units per acre, which yields 9.66 total units, and an RDP of 1.932 units. This would produce a Realistic Development Potential of 2 affordable units.

However, the build-out does not consider redevelopment opportunities. As noted in Chapter VI, the Township believes the only redevelopment opportunities are within the Village Center, which is already zoned for inclusionary housing to capture any future redevelopment opportunities.

The Highlands build-out restricts all affordable housing obligations, not just the Fourth Round. Build-out is a limit on development in the entire community and does not consider past outstanding affordable housing obligations. Therefore, unbuilt Third Round Unmet Need and Fourth Round Obligation are adjusted to or capped at a Highlands affordable housing obligation of 2 units.

Site-Specific Consistency Issues

As noted in the chapters above, the only proposed mechanism for new affordable housing units is the Village Center zone.

Village Center Zone

The Village Center is also central to the Township achieving Highlands Plan Conformance. The Highlands Final Consistency Report for Byram Township Plan Conformance states:

“The proposed Byram Highlands Center is recognized as the only portion of the municipality suitable for increased growth. It is situated with extensive frontage on State Route 206 and

consists of approximately 197 acres of Planning Area land, representing 124 acres of land that is developed and/or not able to be developed due to environmental constraints or preservation, 26 acres of developable land associated with existing developed lots and 31 acres of developable vacant land (see Figure 1). This figure includes a minor proposed revision from the originally submitted delineation, provided by Byram, which appears in Figure 2. The revision would only slightly alter the area summations indicated, and does not affect the findings of the remainder of this review. Most of the vacant developable land in the proposed Center is associated with the "Village Center Zone" (Block 365 Lot 2 and Lot 5) component of the Center...

While most of the Highlands Center consists of developed areas, which are slated for infill and redevelopment, the Smart Growth Plan also envisions a "Village Center Zone" (see Figure 3 and 4) component of mixed-use development occupying approximately 55 acres, to be centered upon a village green (Block 365 Lot 2 and Lot 5). The Village Center includes civic uses, public parks, commercial space, and residential units that include apartments over retail spaces in the Village Core, townhomes, 2- to 4- family units, and single family homes. The Village Center Zone Plan requires both active and passive open space set-asides and integrates the municipality's Prior Round affordable housing obligation throughout the project area. The Highlands Center also identifies Highlands Environmental Resources that are to be protected from future disturbance (such as the Lubbers Run Greenway area), Low Impact Development guidelines, and requirements pertaining to related aspects of development and redevelopment."

Rationale for Approval of Highlands Center Designation

1. Highlands Center designation directly addresses the goals of the Highlands Act Planning Area and RMP Future Land Use Programs associated with the identification of suitable locations within the Planning Area of the Highlands Region in which to permit and encourage appropriate, sustainable growth and development.
2. The Byram Center addresses the center designation requirements of the State Development and Redevelopment Plan, which are supported by RMP Policy 6F6 and Objective 6C1a. The plans incorporate the results of an extensive community visioning process that engaged residents in the process, ensured on-going citizen involvement in development/redevelopment projects, and garnered the support of residents and public officials. The plans provide for concentrated development of a community core that does not otherwise exist in Byram; ensure protection of the surrounding environs, including the lake districts of the community; call for infill and redevelopment in appropriate locations that optimize the use of existing infrastructure; provide for streetscape enhancements and pedestrian-friendly development initiatives; protect and enhance environmental and historic features within the area; and importantly, focus development outside of the Highlands Preservation Area, which occupies over 98% of the community.

(See Highlands Final Consistency Review & Recommendations Report, dated September 17, 2010, for additional information on the Village Center Zone consistency).

Redevelopment Opportunities

As noted in Chapter VI, the Township believes the only redevelopment opportunities are within the Village Center, which is already zoned for inclusionary housing to capture any future redevelopment opportunities.

100% Affordable Opportunities

The Township has a finite affordable housing trust fund and does not propose any 100% affordable housing developments within this HEFSP. It is the Township's opinion that the Amended FHA cannot require a municipality to spend its own money on compliance and consequently cannot compel 100% projects. Nonetheless, the Township has not identified any areas suitable for a 100% affordable project.

XIV. Appendix

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF BYRAM, SUSSEX COUNTY
PURSUANT TO P.L. 2024,
CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
SUSSEX COUNTY
DOCKET NO. SSX-L-51-25

FILED

APR 24 2025

Civil Action Janine M. Allen, J.S.C.

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED”
AND “PROSPECTIVE NEED” FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 23, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF BYRAM** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,¹ therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as 27 affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as 115 affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

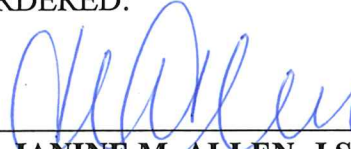
AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 24TH day of April, 2025 **ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as 27 affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 115 affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



HON. JANINE M. ALLEN, J.S.C.

Designated Mt. Laurel Judge – Sussex and Morris Counties

(X) Uncontested.

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Attorney ID #015151979 (Collins)

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
BYRAM, COUNTY OF SUSSEX, STATE
OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SUSSEX COUNTY**

DOCKET NO.: SSX-L-_____

CIVIL ACTION

**AFFORDABLE HOUSING
PER DIRECTIVE # 14-24**

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO DIRECTIVE #
14-24**

Declaratory Plaintiff, the Township of Byram, County of Sussex, State of New Jersey (hereinafter, "Byram " or the "Township"), a municipal corporation of the State of New Jersey, with principal offices located at Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey 07874, by way of this Declaratory Judgment Action ("DJ Action") as authorized under Directive # 14-24 of the Administrative Office of the Courts alleges and says:

Background

1. Byram is a municipal corporation of the State of New Jersey.
2. The Township of Byram (hereinafter, "Byram" or "Township") is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.,

("MLUL"), and, among other duties and obligations, is to endorse the Housing Element and Fair Share Plan ("HEFSP") of Byram's Master Plan, which will be adopted by the Planning Board.

3. Through this DJ Action, Byram seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the "Program") pursuant to P.L. 2024, c.2 (hereinafter, the "Act") and the Court, pursuant to Directive # 14-24; (b) to have the Program and the Court approve the Township's Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Township, attached hereto as Exhibit 1; (c) to have the Program and the Court approve a HEFSP to be adopted by the Planning Board and endorsed by the Township Council and issue a conditional or unconditional "Compliance Certification" pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Byram's immunity from all exclusionary zoning litigation, including builder's remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Township receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

4. The Township repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.* (hereinafter “FHA”).

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for a compliance certification.

7. On or about December 13, 2024, the Director issued Directive # 14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

8. On January 21, 2025, the Township adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

9. Based on the foregoing, the Township has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification as set forth hereinafter.

WHEREFORE, Byram Township seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c. Declaring the approval of the Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Township Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004 c.120 and the FHA.
- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;

- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE TOWNSHIP OF BYRAM

10. Byram repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024, report, the DCA calculated Byram's present and prospective affordable housing obligations as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
27	115

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. Byram adopted a binding resolution, a copy of which is attached hereto and made a part hereof as Exhibit 1 to this DJ Action.

17. The binding resolution maintains that the Present (“Rehabilitation”) Need obligation of Byram is 27 and its Prospective Need obligation is 115.

18. Byram seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as Exhibit 1 or the adjustment of those obligations consistent with the Act and the applicable COAH regulations.

19. Pursuant to the binding resolution, the Township reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

20. Pursuant to the binding resolution, Byram specifically reserves the right to seek and obtain (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or

considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

WHEREFORE, the Township of Byram seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Byram under the Act;
- c. Declaring the approval of Byram's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act

and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Byram for the period beginning July 1, 2025, and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III

HOUSING ELEMENT AND FAIR SHARE PLAN

21. The Township of Byram repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

22. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, (“HEFSP”) must be prepared, adopted by the Planning Board and endorsed by the municipality by June 30, 2025.

23. Byram hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a

Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

WHEREFORE, the Township of Byram seeks a declaratory judgment for the following relief:

- a. Declaring that Byram has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Byram under the Act;
- c. Declaring the approval of Byram's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment

based upon any ruling in litigation involving affordable housing obligations;
(vi) any other applicable adjustment permitted in accordance with the Act
and/or applicable COAH regulations; and (vii) an adjustment pursuant to the
Highlands Act, P.L. 2004, c.120 and the FHA.

- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township for the period beginning July 1, 2025, and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT IV

CONFIRMATION OF IMMUNITY

24. The Township repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

25. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

26. The Township has met the deadline for the adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive # 14-24) not later than January 31, 2025 by adopting the binding resolution attached to this DJ Action as Exhibit 1, and has committed to the adoption of its HEFSP by the June 30, 2025.

WHEREFORE, the Township of Byram seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Byram under the Act;
- c. Declaring the approval of Byram's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; (vi) any other applicable adjustment permitted in accordance with the Act

and/or applicable COAH regulations; and (vii) an adjustment pursuant to the Highlands Act, P.L. 2004, c.120 and the FHA.

- d. Declaring that Byram continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Byram for the period beginning July 1, 2025, and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

By: /s/ Thomas F. Collins, Jr.

Dated: January 22, 2025

Thomas F. Collins, Jr., Esq., P.P.

CERTIFICATION PURSUANT TO R. 4:5-1

Thomas F. Collins, Jr., Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Vogel, Chait, Collins and Schneider, P.C., attorneys for declaratory plaintiff, Township of Byram.

2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.

3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

Dated: January 22, 2025

By: /s/ Thomas F. Collins, Jr.
Thomas F. Collins, Jr., Esq., P.P.

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Thomas F. Collins, Jr., Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Vogel, Chait, Collins and Schneider, P.C., attorneys for Declaratory Plaintiff, the Township of Byram.

2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

Dated: January 22, 2025

By: /s/ Thomas F. Collins, Jr.
Thomas F. Collins, Jr., Esq., P.P.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Thomas F. Collins, Jr., Esq., attorney for the Declaratory Plaintiff, the Township of Byram is designated as trial counsel in the above captioned matter.

VOGEL, CHAIT, COLLINS AND
SCHNEIDER, P.C.
25 Lindsley Drive, Suite 200
Morristown, NJ 07960
Attorneys for Plaintiff Township of Byram

Dated: January 22, 2025

By: /s/ Thomas F. Collins, Jr.
Thomas F. Collins, Jr., Esq., P.P.

EXHIBIT 1

RESOLUTION COMMITTING BYRAM TOWNSHIP TO COMPLY WITH AFFORDABLE HOUSING OBLIGATIONS

RESOLUTION # 037- 2025

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of affordable housing need on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 27 and a Prospective Need or New Construction Obligation for of 115; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA specifically provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Byram Township (the "Township") accepts the DCA calculations of the Township's affordable housing obligations and commits to its fair share of 27 units present need and 115 units prospective need subject to any vacant land and/or durational adjustments and Highlands Council adjustments it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHS; and

WHEREAS, the Township reserves the right to comply with any additional amendments to the FHS that the Legislature may enact; and

WHEREAS, the Township also reserves the right to adjust its position in the event of any rulings in the Borough of Montvale v. State of New Jersey case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Township Council find that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, the Directive #14-24 promulgated procedures and guidelines implementing the Affordable Housing Alternate Dispute Resolution Program (the (Program)).

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner" and

WHEREAS, the Township seeks a certification of compliance with the FHA and, therefore, directs its Township Attorney, Thomas F. Collins, Jr., to file a declaratory relief action within 48 hours of the adoption of this resolution in Sussex County.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township hereby commits to the DCA Round 4 Present Need Obligation of 27 units and the Round 4 Prospective Need Obligation of 115 units described in this resolution subject to all reservations of rights set forth above.
3. The Township finds that the Highlands Build Out Analysis program results at realistic development potential (RDP) of 2 affordable units.
4. The Township hereby directs its Township Attorney, Thomas F. Collins, Jr., to file a declaratory judgment complaint in Sussex County within 48 hours after adoption this resolution attaching this resolution.
5. The Township authorizes its Township Attorney, Thomas F. Collins, Jr., to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
6. This resolution shall take effect immediately, according to law.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	✓				
2nd			✓		
Yes	✓	✓	✓	✓	✓
No					
Abstain					
Absent					

ATTEST: I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on January 21, 2025.


Cynthia Church, Municipal Clerk

**RESOLUTION COMMITTING BYRAM TOWNSHIP TO COMPLY
WITH AFFORDABLE HOUSING OBLIGATIONS**

RESOLUTION # 037- 2025

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter “Amended FHA”); and

WHEREAS, the Amended FHA requires the Department of Community Affairs (“DCA”) to produce non-binding estimates of affordable housing need on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 27 and a Prospective Need or New Construction Obligation for of 115; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA specifically provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Byram Township (the “Township”) accepts the DCA calculations of the Township’s affordable housing obligations and commits to its fair share of 27 units present need and 115 units prospective need subject to any vacant land and/or durational adjustments and Highlands Council adjustments it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHS; and

WHEREAS, the Township reserves the right to comply with any additional amendments to the FHS that the Legislature may enact; and

WHEREAS, the Township also reserves the right to adjust its position in the event of any rulings in the Borough of Montvale v. State of New Jersey case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Township Council find that it is in the best interest of the Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, the Directive #14-24 promulgated procedures and guidelines implementing the Affordable Housing Alternate Dispute Resolution Program (the "Program").

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner" and

WHEREAS, the Township seeks a certification of compliance with the FHA and, therefore, directs its Township Attorney, Thomas F. Collins, Jr., to file a declaratory relief action within 48 hours of the adoption of this resolution in Sussex County.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January, 2025 by the Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Township hereby commits to the DCA Round 4 Present Need Obligation of 27 units and the Round 4 Prospective Need Obligation of 115 units described in this resolution subject to all reservations of rights set forth above.
3. The Township finds that the Highlands Build Out Analysis program results at realistic development potential (RDP) of 2 affordable units.
4. The Township hereby directs its Township Attorney, Thomas F. Collins, Jr., to file a declaratory judgment complaint in Sussex County within 48 hours after adoption this resolution attaching this resolution.
5. The Township authorizes its Township Attorney, Thomas F. Collins, Jr., to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
6. This resolution shall take effect immediately, according to law.

BYRAM TOWNSHIP COUNCIL

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion	✓		✓		
2nd		✓	✓	✓	✓
Yes	✓	✓	✓	✓	✓
No					
Abstain					
Absent					

ATTEST: I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on January 21, 2025.


 Cynthia Church, Municipal Clerk

Civil Case Information Statement

Case Details: SUSSEX | Civil Part Docket# L-000051-25

Case Caption: IN THE MATTER OF BYRAM TWP
Case Initiation Date: 01/23/2025
Attorney Name: THOMAS JAMES MOLICA
Firm Name: VOGEL CHAIT COLLINS & SCHNEIDER
Address: 25 LINDSLEY DRIVE SUITE 200
 MORRISTOWN NJ 079604454
Phone: 9735383800
Name of Party: PLAINTIFF : Byram Twp.
Name of Defendant's Primary Insurance Company
 (if known): None

Case Type: AFFORDABLE HOUSING
Document Type: Complaint
Jury Demand: NONE
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO
Does this case involve claims related to COVID-19? NO
Are sexual abuse claims alleged by: Byram Twp.? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Pursuant to Affordable Housing Dispute Resolution Program (L.2024,c.2) Administrative Directive #14-24 dated December 13, 2024.

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/23/2025
 Dated

/s/ THOMAS JAMES MOLICA
 Signed



TO: Byram Township Land Use Board

FROM: Paul Gleitz P.P. AICP, Consulting Planner

RE: Highlands Build-Out Summary

Date: December 23, 2024

As requested, I have used the New Jersey Highlands 2004 Municipal Build-Out Update Portal to review the parcels in Byram Township as they relate to developability under Highlands Council regulations.

According to the Highlands Build-out Update there is only one (1) remaining parcel of land in Byram that is not yet developed and that is still suitable for development. Block 41, Lot 90.01 has 1.61 acres of developable land in the Highlands Planning Area, with sewer and water available. I concur with the analysis that this is the only parcel in the Township suitable for future development that is not already designated as an affordable housing site (Village Center Zone) or not constrained by environmental features.

At a minimum density of 6 units per acre, the 1.61 acres developable on Block 41, Lot 90.01 could produce 9.66 units (say ten (10) units) and with a 20% set aside of 1.932 units (say two (2) units) of affordable housing. This would produce a Realistic Development Potential of two (2) units.

Given the NJ Department of Community Affairs (DCA) 2025 to 2035 Affordable Housing Calculations of a Prospective Need of 115 affordable housing units and the lack of substantive information to refute the allocation I would suggest that the Township move forward to adopt its 115 unit obligation by binding resolution, on or before January 31, 2025, in order to be assured of protection from exclusionary zoning litigation through which a municipality may otherwise be compelled to permit development, when the fourth round begins.

L&G Planning, LLC

2

The Township can move forward knowing that the Vacant Land Adjustment to be submitted as part of the Township's Fourth Round Fair Share Housing Plan, can use the New Jersey Highlands 2004 Municipal Build-Out Update as the source material for a Vacant Land Adjustment that can be used to justify a Realistic Development Potential of two (2) units.

The revised New Jersey Highlands 2004 Municipal Build-Out Update is attached for your review.