

MALAMUT AND ASSOCIATES, LLC

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Attorneys for Plaintiff City of Lambertville

**IN THE MATTER OF THE APPLICATION
OF THE CITY OF LAMBERTVILLE
COUNTY OF HUNTERDON**

:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: DOCKET NO.
:
:
: **Civil Action**
: (Mount Laurel)
:
: **COMPLAINT FOR DECLARATORY**
: **RELIEF PURSUANT TO THE**
: **DIRECTIVE #14-24**

Plaintiff, the City of Lambertville (hereinafter
"Lambertville" or the "City of Lambertville"), a municipal
corporation of the State of New Jersey, with principal offices
located at 18 York Street, Lambertville, New Jersey, alleges and
says:

Jurisdiction

1. Jurisdiction in this matter is established pursuant to
the Fair Housing Act, N.J.S.A. 52:27D-304.1(f)(1)(b).

Introduction

2. The "Mount Laurel doctrine" refers to New Jersey's
affordable housing laws which derived from the landmark cases
collectively referred to as "Mount Laurel I" (So. Burlington

County N.A.A.C.P. v. Tp. of Mount Laurel, 67 N.J. 151 (1975), cert. denied, 423 U.S. 808, 96 S.Ct. 18, 46 L.Ed.2d 28 (1975)), "Mount Laurel II" (So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983)), the New Jersey Fair Housing Act or "FHA" (N.J.S.A. 52:27D-301 et seq.) and related laws.

3. On March 20, 2024 Governor Murphy signed into law P.L. 2024, c. 2 amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq ("FHA").

4. Pursuant to the FHA, an Affordable Housing Program Alternative Dispute Resolution Program shall be established, and will be responsible for overseeing the participating municipalities conformance with the Act, as well as oversee dispute resolution relating thereto. N.J.S.A. 52:27D-304.1(f) (1).

5. Pursuant to the FHA, on October 18, 2024 the New Jersey Department of Community Affairs ("DCA") issued a report entitled "Affordable Housing Obligation for 2025-2035 (Fourth Round) Methodology and Background" ("Fourth Round Report").

6. On or about December 13, 2024, the Administrative Office of the Courts issued Directive #14-2024 which "promulgate procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program ("Program")" consistent with P.L. 2024 c.2.

Plaintiff City's Compliance with the FHA

7. The City of Lambertville is a body corporate and politic organized under the laws of the State of New Jersey, County of Hunterdon.

8. The City Council is the governing body of the City of Lambertville and is responsible, inter alia, to ensure that appropriate and necessary actions are taken to achieve and comply with its affordable housing obligations under the "Mount Laurel doctrine."

9. The Planning Board of the City of Lambertville is the municipal agency responsible under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., ("MLUL"), for implementing the Housing Element of the City's Master Plan in a manner that is consistent and compliant with the City's obligations under the Mount Laurel doctrine.

10. In the Fourth Round Report the DCA calculated that the City of Lambertville has a Fourth Round present need of zero (0) units and a prospective need of thirty-nine (39) very low-, low-, and moderate-income units.

COUNT I

DECLARATION OF THE CITY'S FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT

11. The City reiterates and incorporates all allegations set forth above as if restated herein.

12. At the regularly scheduled meeting of the City of Lambertville conducted on January 16, 2025 in accordance with the Open Public Meetings Act, the City adopted Resolution No. 43-2025 in satisfaction of its obligation pursuant to N.J.S.A. 52:27D-304.1 f.(1) (a) and (b). Exhibit A.

13. Resolution No.43-2025 accepts the calculation of the City's present and prospective need obligations by the DCA of a number not to exceed a present need obligation of zero (0) units and a prospective need obligation of thirty-nine (39) very low-, low-, and moderate-income units in the Fourth Round Report and voluntarily submits itself to the jurisdiction of the Program as established by the FHA.

14. Resolution No. 43-2025 was published to the City's website on January 16, 2025.

15. The City is therefore entitled to continued immunity from exclusionary zoning litigation as it has complied with its obligations under the FHA.

WHEREFORE, the City of Lambertville hereby demands judgment granting the following relief:

1. Declaring that the City has a Fourth Round Affordable Housing present need of a number not to exceed zero (0) units and prospective need not to exceed thirty-nine (39) very low-, low-, and moderate-income units; and

2. The entry of an Order reaffirming the City's and its Planning Board's Immunity from all exclusionary zoning litigation pursuant to N.J.S.A. 52:27D-304.1 et seq.: while the City prepares, adopts, endorses, and files its Housing Element and Fair Share Plan and provides the required public Notice; and

3. The grant of such other relief as may be just and equitable.

COUNT II

APPROVAL OF THE CITY'S HOUSING ELEMENT AND FAIR SHARE PLAN

16. The City of Lambertville will address its Fourth Round present need (rehabilitation share) and prospective need following a determination from the New Jersey Superior Court of the City's present and prospective fair share obligation.

17. Pursuant to Resolution No. 43-2025 the City intends to develop a Fourth Round Housing Element and Fair Share Plan ("Fourth Round HEFSP") that will provide an opportunity for the creation of sufficient low- and moderate-income housing by 2035, to satisfy the City's calculated and accepted Fourth Round present and prospective need pursuant to the Fair Housing Act.

18. In accordance with Paragraph III A of AOC Directive #14-2024, the City will file its adopted Fourth Round HEFSP no later than June 30, 2025.

WHEREFORE, the City of Lambertville hereby demands judgment granting the following relief:

1. Declaring that the City's Fourth Round HEFSP as adopted and filed with this Court in accordance with the FHA and Directive #14-24 complies with the requirement of the FHA; and
2. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the City for the period beginning July 1, 2025 and ending June 30, 2035; and
3. The entry of an Order approving the City's Spending Plan, as filed with the Court or as amended in the future and declaring that the City is free to expend the funds consistent with the programs contemplated in its Spending Plan; and
4. The grant of such other relief as may be just and equitable.

Respectfully submitted,

DATE: January 17, 2025

MALAMUT & ASSOCIATES

/s/ Kelly Grant
*Attorneys for Plaintiff City
of Lambertville*

TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, be advised that Kelly Grant has been designated as trial counsel on behalf of Plaintiff City of Lambertville in the above captioned matter.

DATE: January 17, 2025

MALAMUT & ASSOCIATES

/s/ Kelly Grant
Attorneys for Plaintiff
City of Lambertville

CERTIFICATION OF COUNSEL

Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.

I also understand that at this time there are no other parties to my knowledge that should be named in this lawsuit.

I 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.

DATE: January 7, 2025

MALAMUT & ASSOCIATES

/s/Kelly Grant
Attorneys for Plaintiff
City of Lambertville

CITY OF LAMBERTVILLE

RESOLUTION NO. 43-2025

RESOLUTION OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, ESTABLISHING THE CITY'S FOURTH ROUND PRESENT AND PROSPECTIVE NEED PURSUANT TO THE FAIR HOUSING ACT AS CALCULATED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the current standards embodied in the New Jersey Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., include a methodology for the calculation of municipalities' Fourth Round obligations for providing low- and moderate-income housing to residents; and

WHEREAS, the FHA requires that the New Jersey Department of Community Affairs ("DCA") perform a calculation of regional need and municipal present and prospective obligations in accordance with the formulas established in the FHA; and

WHEREAS, the FHA provides municipalities the option to adopt the DCA's findings of present and prospective need, or to promulgate an alternative present and prospective need, along with documentation that the municipality's calculations conform to the FHA's methodology; and

WHEREAS, a municipality that stipulates to its Fourth Round present and prospective need obligations in accordance with the FHA's methodology via binding resolution adopted no later than January 31, 2025, is entitled to a presumption of immunity from exclusionary zoning litigation, and municipality's determination of its present and prospective fair share obligations is entitled to a presumption of validity beginning on March 1, 2025, unless challenged initiated through the Affordable Housing Dispute Resolution Program (the "Program") outlined in the FHA; and

WHEREAS, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Program, explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, the DCA performed the calculation pursuant to the FHA and on or about October 18, 2024, and issued a report entitled "Affordable Housing Obligation for 2025-2035 (Fourth Round)) Methodology and Background" ("Fourth Round Report"); and

WHEREAS, in the Fourth Round Report the DCA calculation indicates the City of Lambertville has a Fourth Round present need of zero (0) units and a prospective need of thirty-nine (39) very low-, low- and moderate-income units; and

WHEREAS, the City of Lambertville intends to comply with amendments to the FHA, its rules and regulations; and

WHEREAS, the City of Lambertville reserves the right to adjust its Fourth Round present and/or prospective need in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA, though not to exceed a present need obligation of zero (0) units and a prospective need of thirty-nine (39) very low, low, and moderate income units; and

WHEREAS, the New Jersey Administrative Office of the Courts (“AOC”) adopted Directive #14-24 on December 13, 2024, which requires municipalities seeking a certification of compliance with the FHA to file a declaratory judgment complaint with the Superior Court of New Jersey, Civil Part within forty-eight (48) hours of adoption of the municipal resolution accepting the municipality’s Fourth Round present and prospective need pursuant to the FHA; and

WHEREAS, the Amended FHA requires municipalities to satisfy various administrative and procedural requirements in connection with the adoption of a resolution stipulating to the municipality’s Fair Share Obligation, including but not limited to the publication of this Resolution on the City’s publicly accessible Internet website and the filing of an action with the Program through the Judiciary’s electronic filing systems, within forty-eight (48) hours of the adoption of this Resolution; and

WHEREAS, the City has reviewed the DCA Fourth Round Report and assessed the calculation contained therein, and accept this calculation of the Fourth Round present and prospective affordable housing need attributable to the City of Lambertville subject to any downward revision as the result of a decision of a court of competent jurisdiction or an action by the State Legislature.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, and State of New Jersey, that:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein; and
2. The City of Lambertville has reviewed and accepts the calculation of a present need of zero (0) units and a prospective need of thirty-nine (39) units for the Fourth Round as calculated by the Department of Community Affairs; and
3. The City of Lambertville reserves the right to adjust its Fourth Round affordable housing obligations not to exceed an amount of present need of zero (0) units and a prospective need of thirty-nine (39) units, in the event that a decision of a court of competent jurisdiction or an action by the New Jersey Legislature would result in calculation of a lower obligation for the City; and
4. Pursuant to the FHA, the Clerk of the City of Lambertville shall publish this duly adopted resolution on the City’s publicly accessible Internet website within 48 hours of adoption; and
5. The City of Lambertville is determined to address the January 31, 2025, deadline established in the FHA for the acceptance and determination of its Fourth Round

affordable housing obligations in order to maintain immunity from exclusionary zoning litigation by filing this resolution with the Program within 48 hours of adoption; and

6. Pursuant to AOC Administrative Directive #14-24, within 48 hours of adoption of this resolution the City's Affordable Housing Counsel is authorized and directed to file a declaratory judgment complaint with the Superior Court of New Jersey consistent with this Resolution and to take such further actions as are necessary to maintain the City's compliance with the Fair Housing Act; and
7. The City shall comply with all Fourth Round requirements and deadlines set forth in the FHA, as may be amended by a decision of a court of competent jurisdiction or by an action of the New Jersey Legislature.

ADOPTED: January 16, 2025



I, Cynthia L. Ege, CMR, RMC, City Clerk of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, certify this to be a true copy of the resolution adopted by the Governing Body of the City of Lambertville at the regularly scheduled meeting held on January 16, 2025 held in-person at the Phillip L. Pittore Justice Center located at 25 South Union Street and streamed live using the virtual meeting platform Zoom.

A handwritten signature in cursive script, appearing to read "Cynthia L. Ege".

Cynthia L. Ege, CMR, RMC, City Clerk

Civil Case Information Statement

Case Details: HUNTERDON | Civil Part Docket# L-000030-25

Case Caption: IN THE MATTER OF LAMBERTVILLE CITY

Case Initiation Date: 01/17/2025

Attorney Name: KELLY ANNE GRANT

Firm Name: MALAMUT & ASSOCIATES LLC

Address: 457 HADDONFIELD RD STE 500

CHERRY HILL NJ 08002

Phone: 8564241808

Name of Party: PLAINTIFF : City of Lambertville

Name of Defendant's Primary Insurance Company

(if known): Unknown

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: City of Lambertville? 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:

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)

01/17/2025

Dated

/s/ KELLY ANNE GRANT

Signed