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Flemington, NJ 08822  
Tel. (908) 751-7181  
Attorneys for Petitioner, Borough of Bloomsbury

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IN THE MATTER OF THE  
APPLICATION OF THE BOROUGH OF  
BLOOMSBURY, A Municipal  
Corporation of the State of New Jersey,  
  
Petitioner.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
HUNTERDON  
DOCKET NO.

CIVIL ACTION

**COMPLAINT FOR DECLARATORY  
JUDGMENT PURSUANT TO  
N.J.S.A. 52:27D-313**

The Borough of Bloomsbury, a Municipal Corporation of the State of New Jersey, having its principal place of business at 91 Brunswick Avenue, Bloomsbury, NJ 08804, by way of Complaint for Declaratory Judgment pursuant to N.J.S.A. 52:27D-313 and N.J.S.A. 2A:16-50 et seq. says:

**BACKGROUND**

1. Petitioner Borough of Bloomsbury (hereinafter “Petitioner” and/or “Bloomsbury” and/or “Borough”) is a body politic and corporate organized under the laws of the State of New Jersey.
2. Bloomsbury is located in Hunterdon County in Region 3 pursuant to the N.J.S.A. 52:27D-304.2.
3. Pursuant to first and second round obligations, Bloomsbury has adopted Housing Elements and Fair Share Plans to provide for affordable housing through accessory apartments units and alternative living arrangements and established affordable housing overlay zoning

districts. Bloomsbury has made a good faith effort to meet its first and second round affordable housing obligations.

4. On March 20, 2024, the New Jersey Legislature adopted P.L. 2024, c. 2, which amended the Fair Housing Act (FHA) (N.J.S.A. 52:27D-302 et seq.), abolished the Council of Affordable Housing (COAH), promulgated procedures and guidelines implementing the Affordable Housing Alternate Dispute Resolution Program (the “Program”), and created a new process for municipalities to come into constitutional compliance with their affordable housing obligations.

5. Pursuant to N.J.S.A. 52:27D-304.1(d), the Department of Community Affairs (the “DCA”) is responsible for providing a report setting forth non-binding calculations of regional and municipal affordable housing need based on the provisions of N.J.S.A. 52:27D-304.2 and -304.3.

6. Pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), participating municipalities must adopt and file resolutions calculating their housing obligations by January 31, 2025.

7. P.L. 2024, c. 2 established the Program within the New Jersey Judiciary for the purpose of resolving disputes associated with municipal affordable housing obligations and compliance. In furtherance of that end, the Administrative Director of the Courts issued Directive #14-24 on December 13, 2024 directing municipalities to file declaratory judgment actions seeking certification of municipal compliance with the FHA within 48 hours of adoption of a resolution establishing the municipality’s fair share obligation.

8. On or about October 18, 2024, DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background.” (the “DCA Report”).

9. Pursuant to the DCA Report, the Fourth Round affordable housing obligations calculated for Bloomsbury were as follows:

Present Need: 0

Prospective Need: 15

10. On January 28, 2025, Bloomsbury adopted a Resolution accepting the obligations in the DCA Report as its affordable housing obligations for the Fourth Round. A copy such resolution is attached hereto as Exhibit A.

11. Bloomsbury desires that the Court review and accept the municipal fair share obligation of Bloomsbury Borough as set forth in the Resolution attached hereto as Exhibit A.

12. In compliance with P.L. 2024, c. 2, Bloomsbury shall draft and file a Housing Element and Fair Share Plan demonstrating compliance with the Fourth Round affordable housing obligations.

13. After such filing, the Borough of Bloomsbury desires that the Court review and accept its Housing Element and Fair Share Plan and approve the Program's issuance of a Certificate of Compliance.

**COUNT ONE**  
**(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)**

14. Bloomsbury repeats and realleges each and every allegation set forth in Paragraphs 1-13 of this Complaint as if set forth herein at length.

15. Pursuant to the Declaratory Judgments Act, N.J.S.A. 2A:16-50 et seq., N.J.S.A. 52:27D-313, and P.L. 2024, c. 2, Bloomsbury has a right to a declaratory judgment verifying and confirming Bloomsbury's full compliance with its constitutional affordable housing obligations

**WHEREFORE**, Petitioner, the Borough of Bloomsbury, respectfully seeks that the Court grant the following relief:

- a. An Order exercising jurisdiction over the compliance by the Borough of Bloomsbury with its constitutional affordable housing obligations; and
- b. An Order declaring, pursuant to N.J.S.A. 52:27D-304.1(f), that the affordable housing obligations set forth by Bloomsbury Borough in the Resolution dated January 28, 2025 are established; and
- c. An Order declaring that the Borough of Bloomsbury is under the Court's voluntary compliance declaratory judgment jurisdiction and that the Borough is immunized and protected against builder's remedy litigation and exclusionary zoning challenges; and
- d. An Order declaring that the Borough of Bloomsbury's Housing Element and Fair Share Plan, including its spending plan, satisfactorily addresses its affordable housing mandates and provides the Borough with immunity and repose against builder's remedy litigation and exclusionary zoning challenges for a period of ten (10) years from the date of the Final Judgment.
- e. A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry.
- f. An Order granting such additional relief as the Court deems equitable and just.

Steven P. Gruenberg, Esq.  
*Attorney for Petitioner, Borough of Bloomsbury*

By

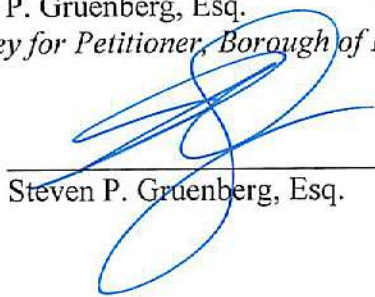
  
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Steven P. Gruenberg, Esq.

Dated: January 29, 2025

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, Steven P. Gruenberg, Esq. is hereby designated as Trial Counsel for Petitioner Borough of Bloomsbury.

Steven P. Gruenberg, Esq.  
*Attorney for Petitioner, Borough of Bloomsbury*

By:   
\_\_\_\_\_  
Steven P. Gruenberg, Esq.

Dated: January 29, 2025

**CERTIFICATION**

Pursuant to Rule 4:5-1, it is hereby certified that the matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration or administrative proceeding to the best of knowledge and belief. To the best of our knowledge, no action, arbitration or administrative proceeding is contemplated. Furthermore, we know of no other parties that should be joined in the above action.

Steven P. Gruenberg, Esq.  
*Attorney for Petitioner, Borough of Bloomsbury*

By:   
\_\_\_\_\_  
Steven P. Gruenberg, Esq.

Dated: January 29, 2025



**BOROUGH OF BLOOMSBURY  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION # 29-25**

**RESOLUTION ADOPTING FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS  
FOR THE FOURTH ROUND**

**WHEREAS**, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

**WHEREAS**, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report"); and

**WHEREAS**, the DCA Report set the municipal obligation for Bloomsbury Borough as follows:

Present Need: 0  
Prospective Need: 15

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Bloomsbury, Hunterdon County, New Jersey, as follows:

1. Bloomsbury Borough hereby determines, based on the DCA Report and advice of the

Municipal Planner and Attorney, to adopt the obligations set forth in the DCA Report as its binding Fourth Round Affordable Housing Obligations subject to adjustments made to account for decisions of a court of competent jurisdiction, lack of availability of public water or sewer infrastructure or capacity (i.e. a durational adjustment), lack of vacant land, or a Highlands build-out analysis. Any such adjustments will be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.

2. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
  - a. Filing a declaratory judgement action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight hours following adoption of this Resolution.
  - b. Publishing this Resolution on the Borough's website.
3. The Municipal Attorney, Municipal Planner, and Affordable Housing Subcommittee are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Spending Plan, and effectuating ordinances and resolutions.
4. This Resolution shall take effect immediately.

  
Vicky Papiros, Mayor

  
Lisa A. Burd, RMC, CMC, CTC, CMR  
Township Clerk/Administrator

Adopted: January 28, 2025



# Civil Case Information Statement

## Case Details: HUNTERDON | Civil Part Docket# L-000075-25

**Case Caption:** IN THE MATTER OF BLOOMSBURY BORO

**Case Type:** AFFORDABLE HOUSING

**Case Initiation Date:** 01/30/2025

**Document Type:** Complaint

**Attorney Name:** STEVEN PAUL GRUENBERG

**Jury Demand:** NONE

**Firm Name:** GRUENBERG LAW OFFICE

**Is this a professional malpractice case?** NO

**Address:** 151 MAIN ST

**Related cases pending:** NO

FLEMINGTON NJ 08822

**If yes, list docket numbers:**

**Phone:** 9083037138

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Name of Party:** PLAINTIFF : Borough of Bloomsbury

**Does this case involve claims related to COVID-19?** NO

**Name of Defendant's Primary Insurance Company**

(if known): None

**Are sexual abuse claims alleged by: Borough of Bloomsbury?** 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)

01/30/2025

Dated

/s/ STEVEN PAUL GRUENBERG

Signed

