

**BEVAN, MOSCA & GIUDITTA, P.C.**

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Attorneys for Plaintiff, Township of Bloomfield

IN THE MATTER OF THE  
APPLICATION OF THE TOWNSHIP OF  
BLOOMFIELD

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO: ESX-L-\_\_\_\_\_-25

Civil Action

AFFORDABLE HOUSING  
COMPLAINT FOR DECLARATORY  
RELIEF PURSUANT TO AOC  
DIRECTIVE #14-24

Declaratory Plaintiff, the Township of Bloomfield (the “**Township**” or “**Bloomfield**”), a municipal corporation of the State of New Jersey, with principal offices located at 1 Municipal Plaza, Bloomfield, New Jersey 07003, by way of this Declaratory Judgment Action filed pursuant to AOC Directive # 14-24 alleges and says the following:

**BACKGROUND AND JURISDICTION**

1. Bloomfield is a municipal corporation of the State of New Jersey with principal offices located at 1 Municipal Plaza, Bloomfield, New Jersey 07003.
2. The Bloomfield Planning Board (the “**Planning Board**”) is a municipal agency created and organized under the Municipal Land Use Law (the “**MLUL**”), specifically, N.J.S.A. 40:55D-23, and is responsible for, among other duties and obligations, adopting the Housing Plan element and Fair Share Plan element (“**HPFSP**”) of Bloomfield’s Master Plan pursuant to N.J.S.A. 40:55D-25.
3. Through this Declaratory Judgment Action, the Township seeks the following

relief in relation to its Fourth Round (2025-2035) affordable housing obligation:

(a) the Township seeks 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

(b) the Township seeks to secure the jurisdiction of the Court pursuant to AOC Directive # 14-24; and

(c) the Township seeks to have the Program and the Court approve Bloomfield’s Fourth Round Present Need and Prospective Need affordable housing obligations as set forth in the January 27, 2025, Resolution R25-63 adopted by the Township (“**Resolution R25-63**”), a copy of which resolution is attached hereto as **Exhibit 1**; and

(d) the Township seeks to have the Program and the Court approve a HPFSP to be adopted by the Planning Board and endorsed by the Township Council and issue a “**Compliance Certification**” pursuant to the Act or other similar declaration such as a judgment of compliance and repose; and

(e) to the extent it is not automatically granted pursuant to the Act, the Township seeks to have the Program and the Court confirm the Township’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

(f) the Township seeks 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 receives and obtains all protections as afforded to it in complying with the requirements of the Act, including but not limited to 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**

**APPROVAL OF PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

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

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

6. 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 need and prospective need affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

7. The DCA issued its report on October 18, 2024 (the "DCA Report").

8. Pursuant to the DCA Report, the DCA calculated the Township's present need at 329 units and the Township's prospective need at zero (0) units.

9. Pursuant to the Act, each municipality is obligated to determine its present and prospective fair share obligations for affordable housing in accordance with the formulas established in N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3 by resolution, which resolution shall describe the basis for the municipality's determination and bind the municipality to adopt a HPFSP pursuant to the Act.

10. As set forth in Resolution R25-63, the Township accepts the DCA calculated Present Need number of 329 units and the Township accepts the methodology used by the DCA to calculate its Prospective Need of zero (0) units.

11. In conformity with the statutory requirement that the adopted binding Resolution R25-63 be posted on Bloomfield's official website within 48 hours of its adoption, Bloomfield on January 28, 2025, placed and posted the certified Resolution R25-63

on its website under "Government" and as part of the "Open Public Records" page of the

Township's website under the header "Adopted Resolutions 2025", with access provided via the following "link": <https://www.bloomfieldtwpnj.com/1654/ADOPTED-RESOLUTIONS-2025>

12. The Township seeks the approval of, and confirmation by, the Program and the Court of its Present and Prospective fair share obligations for affordable housing as set forth in Resolution R25-63 (attached hereto as Exhibit A) which is incorporated herein by reference and made a part hereof.

13. As set forth in Resolution R25-63, the Township reserves all rights to amend its affordable housing obligations in the event of legislative changes to the Act, or by judicial decisions altering the Act or the meaning of the Act.

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

- a. declaring that the Township has established jurisdiction with the Program and with the Court so as to confirm its present and prospective fair share affordable housing obligations as set forth in Resolution R25-63;
- b. declaring the present and prospective fair share affordable housing obligations of the Township under the Act;
- c. declaring that the Township continues to have immunity for the duration of Fourth Round (*i.e.*, through June 30, 2035) from all exclusionary zoning litigation and all litigation related to its affordable housing obligations; and
- d. declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable regulations.

## **COUNT II**

### **APPROVAL OF HOUSING PLAN ELEMENT AND FAIR SHARE PLAN**

**ELEMENT**

14. The Township repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Action as if each was set forth herein in full.

15. Pursuant to the Act, an HPFSP must be prepared and adopted by the Planning Board by June 30, 2025.

16. The Township hereby commits to prepare the appropriate HPFSP to address the Township's fair share affordable housing obligations, as determined by the Program and the Court, which HPFSP shall apply as appropriate, any applicable adjustments, including but not limited to a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; an adjustment based upon any ruling in litigation involving affordable housing obligations; and any other applicable adjustment permitted in accordance with the Act and/or applicable regulations.

17. Upon the Planning Board's adoption of the HPFSP, the Township will file it with the Court and submit it to the Program prior to June 30, 2025, and will seek approval of the HPFSP and the issuance of the relief set forth below.

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

- a. declaring that the Township has established jurisdiction with the Program and with the Court to confirm its present and prospective fair share affordable housing obligations as set forth in Resolution R25-63;
- b. declaring the present and prospective fair share affordable housing obligations of the Township under the Act;
- c. declaring the approval of the Township's HPFSP which is subsequently adopted by the Planning Board, endorsed by the Township Council, and filed with the Court and submitted to the Program, including, as

appropriate and applicable, any and/or all of the adjustments referenced above;

- d. declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations;
- e. declaring that the Township is constitutionally compliant and issuing a compliance certification or judgment of compliance and repose or such other protections as afforded to it in complying with the requirements of the Act, including but not limited to all immunities and presumptions of validity necessary to satisfy its affordable fair share housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation for the Fourth Round {beginning July 1, 2025 and ending June 30, 2035};  
and
- f. declaring such other relief that the Program and/or Court deems just and proper within the parameters of the Act and applicable regulations.

BEVAN, MOSCA & GIUDITTA, P.C.  
Attorneys for Plaintiff  
Township of Bloomfield

By: /s/ Michael J. Parlavecchio  
Michael J. Parlavecchio

Date: January 28, 2025

CERTIFICATIONS PURSUANT TO RULE 4:5-1(6)(2) AND -1(6)(3)

In accordance with R. 4:5-1(6)(2), I certify that the matter in controversy is not

currently the subject of any other court action or arbitration proceeding now pending or contemplated. I certify that at this time I do not contemplate filing any other court action or any arbitration proceeding. I certify that at this time no additional parties should be joined in the action. In accordance with R. 4:5-1(b)(2) and -1(b)(3), 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(6). I certify that all of 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.

**BEVAN, MOSCA & GUIDITTA, P.C.**  
Attorneys for Plaintiff,  
Township of Bloomfield

By: /s/ Michael J. Parlavecchio  
Michael J. Parlavecchio

Dated: January 28, 2025

**EXHIBIT 1**

January 27, 2025, Resolution R25-63, adopted by the Mayor and Council of the  
Township of Bloomfield