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Borough of Dunellen

IN THE MATTER OF THE APPLICATION
OF THE BOROUGH OF DUNELLEN, a
Municipal Corporation of the State of New
Jersey,

Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-L-0433-25

Civil Action
(Mount Laurel)

CERTIFICATION OF COUNSEL

I, Jessica CM Almeida, Esq., hereby certify and say:

1. I am a Partner with the law firm of McManimon, Scotland & Baumann, LLC, attorneys for Plaintiff/Petitioner the Borough of Dunellen (“**Borough**”) in this declaratory judgment action.

2. On January 21, 2025, Council of the Borough of Dunellen (“**Borough Council**”) adopted a binding resolution (the “**Binding Resolution**”), accepting the obligation set forth in the “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) by the New Jersey Department of Community Affairs (the “**DCA**”).

3. Pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”), the Borough filed this action in the Superior Court of Middlesex County on January 22, 2025.

4. On March 14, 2025, the Honorable Thomas McCloskey, J.S.C., the designated Mount Laurel Judge for the Middlesex Vicinage, entered an order setting the Borough’s Present

Need Obligation as 79 and the Prospective Need Obligation as 23, as set forth in the Binding Resolution.

5. On May 23, 2025, the Court entered an Order, granting the Borough's motion for an extension of time to adopt and endorse its Fourth Round Housing Element and Fair Share Plan ("HEFSP") until July 30, 2025.

6. The Planning Board of the Borough of Dunellen adopted the HEFSP on June 23, 2025, which was filed with the Program on June 24, 2025, pursuant to the Directive.

7. On July 7, 2025, via resolution, the Borough Council endorsed the HEFSP. The Resolution is attached hereto as **Exhibit A**.

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.

Dated: July 9, 2025

Jessica C.M. Almeida

Jessica CM Almeida, Esq.

EXHIBIT A

07-07-2025: # 269

**RESOLUTION OF THE BOROUGH OF DUNELLEN
ENDORING THE BOROUGH'S FOURTH ROUND HOUSING ELEMENT AND FAIR
SHARE PLAN**

WHEREAS, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (“**Mount Laurel IV**”), citing S. Burlington County. NAACP v. Township of Mount Laurel (“**Mount Laurel I**”), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Id., citing S. Burlington County NAACP v. Township of Mount Laurel (“**Mount Laurel II**”), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the “**Mount Laurel Doctrine**”); and

WHEREAS, pursuant to Mount Laurel IV, the Borough of Dunellen (the “**Borough**”) filed a declaratory judgment action on July 7, 2015, entitled “In the Matter of the Application of the Borough of Dunellen” Docket No. MID-L-3947-15, seeking a judicial declaration that its Housing Element and Fair Share Plan (“**3rd Round HEFSP**”) satisfied the “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

WHEREAS, that culminated in a settlement agreement with Fair Share Housing Center (“**FSHC**”) on March 18, 2016; and

WHEREAS, on December 16, 2016, the Court entered a Final Judgment of Compliance and Repose, granting the Borough immunity from Builder’s Remedy lawsuits until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

WHEREAS, A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of present and prospective need for low- and moderate- income housing in each municipality for the Fourth Round on or before October 20, 2024; and

WHEREAS, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

WHEREAS, the DCA Report calculated the Borough’s Fourth Round obligation as follows: a Present Need or Rehabilitation Obligation of 79 and a Prospective Need or New Construction Obligation of 23; and

WHEREAS, on January 21, 2025, the Borough Council adopted Resolution No. 01-21-2025 #53 (the “**Binding Resolution**”), accepting the obligation as set forth in the DCA Report; and

WHEREAS, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”) on January 22, 2025, the Borough filed a declaratory judgment action in the Superior Court of Middlesex County, bearing Docket No. MID-L-433-25 (the “**Declaratory Judgment Action**”); and

WHEREAS, the filing of the Declaratory Judgment Action, in accordance with the Act and the Directive, gave the Borough continued immunity from Builder’s Remedy lawsuits, which continues to be in full force and effect; and

WHEREAS, no interested party filed a challenge to the Declaratory Judgment Action; and

WHEREAS, the Borough engaged Daniel Hauben, PP, AICP of DMR Architects (the “**Borough Planner**”) to prepare a Housing Element and Fair Share Plan for the Fourth Round (the “**Fourth Round HEFSP**”) consistent with the obligation set forth in the Binding Resolution; and

WHEREAS, on March 14, 2025, the Honorable Thomas McCloskey, J.S.C., the designated Mount Laurel Judge for the Middlesex Vicinage, entered an order setting the Borough’s Present Need Obligation as 79 and the Prospective Need Obligation as 23, as set forth in the Binding Resolution; and

WHEREAS, on May 23, 2025, the Court entered an Order, granting the Borough’s motion for an extension of time to adopt and endorse its Fourth Round HEFSP until July 30, 2025; and

WHEREAS, in accordance with the Act and the Binding Resolution, the Borough Planner has prepared the Fourth Round HEFSP, dated June, 2025, attached hereto, which

addresses the Borough's Present Need and Prospective Need Obligations for the Fourth Round; and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Planning Board is charged with the preparation and adoption of the Borough's Master Plan, which includes the housing element and fair share plan; and

WHEREAS, on June 23, 2025, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-13, the Planning Board held a public hearing to review the Fourth Round HEFSP prepared by the Borough Planner; and

WHEREAS, after review and consideration of the Fourth Round HEFSP, attached hereto as Exhibit A, and presentation by the Borough Planner, the Planning Board determined it was consistent with the goals and objectives of the Borough's current Master Plan, and adopted the same; and

WHEREAS, pursuant to the Directive, a resolution of the governing body must be adopted endorsing the Fourth Round HEFSP, no later than July 30, 2025, in order to seek a Final Judgment of Compliance and Repose; and

WHEREAS, after review and consideration of the Fourth Round HEFSP, the Borough finds it is in their best interest to endorse the Fourth Round HEFSP, as adopted by the Borough's Planning Board.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen, in the County of Middlesex, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Borough Council endorses the Fourth Round HEFSP, attached hereto as Exhibit A, as prepared by the Borough Planner and adopted by the Planning Board.

Section 3. The Borough Council authorizes its professionals to file a copy of this Resolution, as well as a copy of the endorsed Fourth Round HEFSP with the Program.

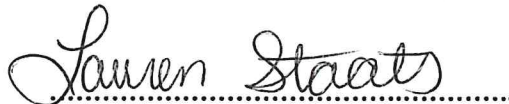
Section 4. This resolution shall take effect immediately.

Approved July 7, 2025

A handwritten signature in blue ink, appearing to read "Lauren Staats", written over a horizontal dotted line.

Mayor of the Borough of Dunellen

I *certify* the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Council of the Borough of Dunellen, held on July 7, 2025 and in that respect a true and correct copy of its minutes.

A handwritten signature in black ink, reading "Lauren Staats", written over a horizontal dotted line.

Municipal Clerk of the Borough of Dunellen

