

COSTIGAN AND COSTIGAN, LLC
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IN THE MATTER OF THE BOROUGH : SUPERIOR COURT OF NEW JERSEY
OF FOLSOM, ATLANTIC COUNTY LAW DIVISION

: ATLANTIC COUNTY

: DOCKET NO.: ATL-L

CIVIL ACTION

:
**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO THE FAIR
HOUSING ACT, N.J.S.A 52:27d-301, et
seq. AND THE MOUNT LAUREL
DOCTRINE**

Petitioner, the Borough of Folsom, a Municipal Corporation of the State of New Jersey with its principal place of business at 1700 Route 54, Folsom, NJ 08037 in the County of Atlantic, by way of Complaint for declaratory judgment pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq and the Mount Laurel doctrine states as follows:

BACKGROUND

1. Folsom is a body corporate and politic organized under the laws of the State of New Jersey.

2. The Mayor and Borough Council are the governing body of Folsom and are responsible, inter alia, to ensure that Folsom takes the actions necessary to achieve and maintain compliance with its obligations under the laws collectively known as the “Mount Laurel Doctrine”.

3. The Mount Laurel Doctrine refers to the affordable housing laws of New Jersey resulting from the landmark cases commonly referred to as “Mount Laurel I”, *Southern Burlington County N.A.A.C.P. v. Township 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”, *Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 92 N.J. 158 (1983), the New Jersey Fair Housing Act or “FHA” N.J.S.A. 40:55D-1 et seq. and related laws.

4. The Land Use Board of Folsom is a municipal agency responsible under the Municipal Land Use Law, N.J.S.A 40: 55D-1 et seq. for formulating the Housing Element of the Folsom Master Plan in a manner that complies with its obligations under the Mount Laurel doctrine.

5. Folsom brings the within action seeking declaratory judgment pursuant to the FHA and P.L. 2024, c.2 seeking a certification of compliance, repose and immunity from exclusionary zoning lawsuits for its Fourth Round Mount Laurel affordable housing obligation for a period of ten (10) years based upon its present need or rehabilitation share of 0 units and its prospective need share of 10 units.

6. Jurisdiction properly rests with the Superior Court, Law Division, Atlantic County, before the designated Mount Laurel judge for Vicinage 1 pursuant to Administrative Directive 14-24 of the Administrative Office of the Courts, dated January

15, 2025.

7. On January 14, 2025, the Borough of Folsom memorialized a Resolution adopting its Fourth Round Fair Share Affordable Housing obligations and other actions. (Exhibit “A”).

8. The Borough of Folsom’s Resolution has accepted the Fourth Round Affordable Housing obligations as established by the FHA and the Department of Community Affairs.

9. Administrative Directive 14-24 provides that “A municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (“CIS”) in the County in which the municipality is located.

10. The Borough of Folsom also seeks by way of this declaratory judgment action voluntary admission into the Affordable Housing Dispute Resolution Program.

11. To the extent that the FHA and amendments thereto are construed and interpreted differently than Administrative Directive 14-24, the Borough of Folsom hereby reserves all of its rights and interests under the FHA and any amendments thereto and this declaratory judgment action is being filed in accordance with Administrative Directive 14-24 and voluntary admission into the Program.

WHEREFORE, Petitioner, the Borough of Folsom respectfully requests that the Court enter judgment as follows:

- a. Voluntarily admitting the Borough of Folsom in the Program and.
- b. Declaring and establishing Folsom’s Fourth Round Mount Laurel Affordable Housing obligation as provided for in the FHA and any amendments thereto; and

- c. Upon the adoption and approval of the Borough's Housing Element and Fair Share Plan and other requirements, granting Folsom a Judgment of Fourth Round compliance and repose, certification of compliance with the FHA and any amendments thereto and granting immunity from exclusionary zoning lawsuits for its Fourth Round Mount Laurel affordable housing obligations based upon its present need or rehabilitation share of 0 units and its prospective need share of 10 units for the period 2025 to 2035; and
- d. Awarding such other further relief as the Court may deem equitable and just and necessary.

1/15/25

Date:



Angela Maione Costigan, Esquire

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to R.4:25-4, Angela Maione Costigan, Esquire is hereby designated trial counsel.

1/15/25

Date:



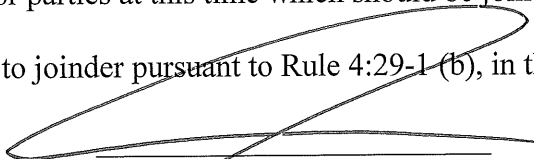
Angela Maione Costigan, Esquire

RULE 4:5-1 CERTIFICATION

Pursuant to New Jersey Court Rule 4:5-1, I hereby certify that to the best of my knowledge, information and belief, the matter in controversy is not the subject of any other action currently pending or contemplated in any court or arbitration proceeding, and that I know of no other party or parties at this time which should be joined, pursuant to Rule 4:28, or who are subject to joinder pursuant to Rule 4:29-1 (b), in this Action.

1/15/25

Date:



Angela Maione Costigan, Esquire

CERTIFICATION OF COMPLIANCE WITH ADMINISTRATIVE DIRECTIVE
14-24

I hereby certify that I caused the within the ~~Complaint~~ for Declaratory Judgment to be filed within 48 hours after the adoption of the Municipal Resolution of Fourth Round Fair Share obligation.

1/15/25

Date:

[Signature]
Angela Maione Costigan, Esquire

RULE 4:6-1 CERTIFICATION

I hereby certify that I caused or will cause the within ~~Complaint~~ for Declaratory Judgment to be served on all parties within the time period allowed by Rule 4:6-1.

1/15/25

Date:

[Signature]
Angela Maione Costigan, Esquire

EXHIBIT “A”

BOROUGH OF FOLSOM

Resolution # 2025-38

**A Resolution of the Borough of Folsom,
County of Atlantic and State of New Jersey Accepting the
New Jersey Department of Community Affairs Affordable
Housing Obligations for the Fourth Round**

WHEREAS, the New Jersey Legislature passed into law amendments to the Affordable Housing Act N.J.S.A. 52:27D-304.1 et seq.; and

WHEREAS, pursuant thereto the New Jersey Department of Community Affairs ("DCA") was to adopt the fourth round affordable housing fair share obligations for all municipalities within the State of New Jersey in October of 2024; and

WHEREAS, the regulations require that municipalities must decide whether to accept its affordable housing fair share obligations promulgated by DCA by resolution adopted on or before January 31, 2025 or risk losing its immunity from exclusionary zoning litigation; and

WHEREAS, the Borough of Folsom has received its DCA fair share housing obligation for the fourth round which indicates the Borough has a present need of 0 affordable housing units and a prospective need of 11 affordable housing units; and

WHEREAS, the Borough is desirous to accept the DCAs fourth round fair

share methodology numbers.

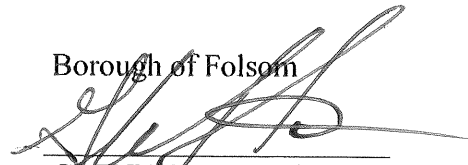
NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Folsom, County of Atlantic, and State of New Jersey as follows:

1. The Borough hereby adopts the fourth round methodology for fair share housing obligations determined by the New Jersey Department of Community Affairs which sets forth the Borough's present need is 0 units, and its prospective need is 11 units.

2. A certified copy of this Resolution shall be forwarded by the Borough Clerk to the Department of Community Affairs.

Dated: 1-14-2025

Borough of Folsom



GLENN SMITH, Mayor

ATTEST:



Patricia M. Gatto, Municipal Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of the foregoing Resolution which was adopted by the Council of the Borough of Folsom at the meeting held on January 14, 2025