

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION NO. 32-2025**

**RESOLUTION REGARDING 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 calculated the municipal obligation for Lebanon Township as follows:

Present Need: 0  
Prospective Need: 46

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a), a municipality must determine its present and prospective fair share obligation for affordable housing consistent with the established methodologies; and

**WHEREAS**, the Township accepts the calculations set forth in the DCA Report as consistent with the established methodologies, subject to the ability to adjust such numbers consistent with applicable regulations, etc.; and

**WHEREAS**, the Township specifically reserves its rights to:

- a. Adjust the Township's fair share obligations based on a Highlands Build-Out Analysis, Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;
- b. Revoke or amend this Resolution and the Township's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
- c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third-party challenge to the Township's Fourth Round Affordable Housing Obligations.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon County, State of New Jersey, as follows:

1. Lebanon Township hereby determines, based on the DCA Report and advice of the Municipal Planner and Attorney, to accept the DCA Report as calculating the Township's Fourth Round Affordable Housing Obligations as follows:

Present Need: 0

Prospective Need: 46


2. The adoption of this Resolution and the aforementioned Fourth Round Affordable Housing Obligations is subject to all reservations of rights, which specifically include, without limitation, the following:
  - a. The right to adjust the Township's fair share obligations based on a Highlands Build-Out Analysis, Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law with such adjustments to be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.;
  - b. The right to revoke or amend this Resolution and the Township's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and

- c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third-party challenge to the Township’s Fourth Round Affordable Housing Obligations.
3. 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 Township’s website.
  4. 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.
  5. This Resolution shall take effect immediately.

Dated: January 22, 2025

ATTEST:

  
 Carolynn Budd, RMC  
 Township Clerk

  
 Brian Wunder  
 Mayor

CERTIFICATION

I, Carolynn Budd, Township Clerk of the Township of Lebanon, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township of Lebanon Committee at a meeting held January 22, 2025.

  
 Carolynn Budd, RMC  
 Township Clerk



**TARA ANN ST. ANGELO, Esq.**  
**ATTORNEY ID #020292008**  
**GEBHARDT & KIEFER, P.C.**  
1318 Route 31 ~ P.O. Box 4001  
Clinton, New Jersey 08809-4001  
Tel. (908) 735-5161  
Attorneys for Petitioner, Township of Lebanon

IN THE MATTER OF THE  
APPLICATION OF THE TOWNSHIP OF  
LEBANON, A Municipal Corporation of  
the State of New Jersey,

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
HUNTERDON COUNTY  
DOCKET NO.

CIVIL ACTION  
(Mount Laurel)

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

The Township of Lebanon, a Municipal Corporation of the State of New Jersey, having its principal place of business at 530 W. Hill Road, Glen Gardner, NJ 08826, 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 Township of Lebanon (hereinafter “Petitioner” and/or “Lebanon” and/or “Township”) is a body politic and corporate organized under the laws of the State of New Jersey.

2. 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.

3. Lebanon is located in Hunterdon County in Region 3 pursuant to the N.J.S.A. 52:27D-304.2.

4. Pursuant to first, second, and third round obligations, Lebanon has completed an RCA, provided for affordable housing through an alternative living arrangement, and established accessory apartment, market-to-affordable, and rehabilitation programs. Lebanon has made a good faith effort to meet its first, second, and third round 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 for the Fourth Round 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 for the Fourth Round 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 East Amwell are as follows:

Present Need: 0

Prospective Need: 46

10. On January 22, 2025, Lebanon 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. Lebanon desires that the Court review and accept the municipal fair share obligation of Lebanon Township as set forth in the Resolution attached hereto as Exhibit A, subject to Lebanon’s right to adjust its fair share obligations based on a Highlands Build-Out Analysis, Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;

12. In compliance with P.L. 2024, c. 2, Lebanon shall draft and file a Housing Element and Fair Share Plan demonstrating compliance with the Fourth Round affordable housing obligations and applying any adjustments to its fair share obligation consistent with applicable law and regulations.

13. After such filing, Lebanon desires that the Court review and accept its Housing Element and Fair Share Plan and adjustments to its fair share obligation and approve the

Program's issuance of a Certificate of Compliance.

**COUNT ONE**

**(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)**

14. Lebanon 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, Lebanon has a right to a declaratory judgment verifying and confirming Lebanon's full compliance with its constitutional affordable housing obligations

**WHEREFORE**, Petitioner, the Township of Lebanon, respectfully seeks that the Court grant the following relief:

a. An Order exercising jurisdiction over the compliance by the Township of Lebanon 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 Lebanon Township in the Resolution dated January 22, 2025 are established; and

c. An Order declaring that the Township of Lebanon is under the Court's voluntary compliance declaratory judgment jurisdiction and that the Township is immunized and protected against builder's remedy litigation and exclusionary zoning challenges; and

d. An Order declaring that the Township of Lebanon's Housing Element and Fair Share Plan, including its spending plan, satisfactorily addresses its affordable housing mandates and provides the Township 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.

GEBHARDT & KIEFER, P.C.  
*Attorneys for Petitioner, Township of Lebanon*

By /s/ Tara Ann St. Angelo  
TARA ANN ST. ANGELO

Dated: January 23, 2025

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, Tara Ann St. Angelo, Esq. is hereby designated as Trial Counsel for Petitioner Township of Lebanon.

GEBHARDT & KIEFER, P.C.  
*Attorneys for Petitioner, Township of Lebanon*

By: /s/ Tara Ann St. Angelo  
TARA ANN ST. ANGELO

Dated: January 23, 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. Lebanon Township filed a declaratory judgment action related to its Third Round affordable housing obligations (*IMO Lebanon Township*, Docket No. HNT-L-299-15). Such action was closed after the filing of a Final Judgment of Compliance and Repose on April 19, 2018. 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.

GEBHARDT & KIEFER, P.C.  
*Attorneys for Petitioner, Township of Lebanon*

By: /s/ Tara Ann St. Angelo  
TARA ANN ST. ANGELO

Dated: January 23, 2025

# Civil Case Information Statement

## Case Details: HUNTERDON | Civil Part Docket# L-000046-25

**Case Caption:** IN THE MATTER OF LEBANON TWP

**Case Initiation Date:** 01/23/2025

**Attorney Name:** TARA ANN ST ANGELO

**Firm Name:** GEBHARDT & KIEFER, PC

**Address:** 1318 ROUTE 31 NORTH

ANNANDALE NJ 08801

**Phone:** 9087355161

**Name of Party:** PETITIONER : IMO Application of Lebanon

Twp

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

(if known): None

**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: IMO Application of Lebanon Twp?** 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)*

01/23/2025

Dated

/s/ TARA ANN ST ANGELO

Signed

