

# APPENDIX A

**PAUL J. BALDINI, P.A.**  
**#018181983**  
A PROFESSIONAL CORPORATION  
4413 NEW JERSEY AVENUE  
WILDWOOD, NEW JERSEY 08260  
(609) 729-2600

Attorney for Declaratory Petitioner, City of Sea Isle City

IN THE MATTER OF THE APPLICATION  
OF THE CITY OF SEA ISLE CITY,  
COUNTY OF CAPE MAY  
  
PETITIONER.

)  
) SUPERIOR COURT OF NEW JERSEY  
) LAW DIVISION: CIVIL PART  
) CAPE MAY COUNTY  
)

) DOCKET NO.:

) Civil Action  
) (*Mount Laurel*)  
)

) COMPLAINT  
) FOR DECLARATORY RELIEF  
) PURSUANT TO  
) N.J.S.A. 52:27d-304.1 ET SEQ.  
)

Declaratory Petitioner, the City of Sea Isle City (hereinafter "City" or "Sea Isle City"), a municipal corporation of the State of New Jersey, with principal offices located at 233 JFK Boulevard, Sea Isle City, New Jersey, alleges and says:

## **BACKGROUND**

1. The City is a body corporate and politic organized under the laws of the State of New Jersey.
2. The City Council is the governing body of the City of Sea Isle City and is responsible, inter alia, to ensure that Sea Isle City takes the actions necessary to achieve and maintain

**Paul J. Baldini, PA**  
4413 New Jersey Ave.  
Wildwood, NJ 08260  
[paul@paulbaldinilaw.com](mailto:paul@paulbaldinilaw.com)  
PJB/hkb  
File # 1027-328  
Affordable Housing  
Fourth Round

compliance with its obligations under the laws collectively known as the "Mount Laurel doctrine."

3. On July 7, 2015 the City submitted a Declaratory Judgment Action to the New Jersey Superior Court seeking a Declaration of Compliance with the Mount Laurel Doctrine and Fair Share Housing Act of 1985 as permitted by the New Jersey Supreme Court.
4. On November 14, 2017 the City entered into a settlement agreement with the Fair Share Housing Center which determined the City's prior round, present, and Third Round obligation and set forth the City's preliminary compliance plan.
5. On December 1, 2017 the New Jersey Superior Court approved the Settlement Agreement and granted the City affirmative immunity from exclusionary zoning litigation through July 1, 2025.
6. Through this action, the City seeks relief in relation to its Fourth Round (2025 – 2035) affordable housing obligation as set forth herein.
7. The New Jersey Legislature recently amended the Fair Housing Act under P.L. 2024, c.2 establishing an Affordable Housing Alternative Dispute Resolution Program (“Program”) within the New Jersey judiciary for the process of resolving disputes under the Fair Housing Act.
8. In furtherance of that end, the administrative director of the courts issued directive number 14 – 24 on December 13, 2024 directing municipalities to file declaratory judgment actions seeking certification of municipal compliance with the Fair Housing Act within 48 hours of adoption of a resolution establishing the municipalities fair share obligation.
9. The City desires that the Court review and accept the municipal fair share obligation of

**Paul J. Baldini, PA**

4413 New Jersey Ave.  
Wildwood, NJ 08260  
paul@paulbaldinilaw.com  
PJB/hkb  
File # 1027-328  
Affordable Housing  
Fourth Round

the City as set forth in the Resolution attached herein. The City commits to drafting and filing a Housing Element and Fair Share Plan demonstrating compliance with the Fourth Round Affordable Housing obligations. Further, the City 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.

10. This lawsuit is filed under the jurisdiction of the Fair Share Housing Act and the Administrative Director of the Court's issued directive number 14 – 24.

**COUNT ONE**

**DECLARATION AND CERTIFICATION OF COMPLIANCE THROUGH THE PROGRAM**

11. The City repeats and realleges the allegations in the foregoing paragraphs as if more fully set forth herein.

12. The City has reviewed the calculations of prospective and present need (Fourth Round) as determined by the New Jersey Department of Community Affairs (DCA), which were released on October 18, 2024. Pursuant to the DCA report published on October 18, 2024 the Fourth Round Affordable Housing obligation calculated for the City are as follows:

Present need: 0

Prospective need: 25

13. The City has determined that the calculations therein appeared to match the methodology outlined in the Fair Housing Act and recent amendments thereto.

14. As part of the City's analysis of its fair share obligations, it intends to rely on a vacant land adjustment, due to the lack of developable land within the City.

15. On January 28, 2025, at a regular meeting, the City's Council determined to adopt a

**Paul J. Baldini, PA**  
4413 New Jersey Ave.  
Wildwood, NJ 08260  
[paul@paulbaldinilaw.com](mailto:paul@paulbaldinilaw.com)  
PJB/hkb  
File # 1027-328  
Affordable Housing  
Fourth Round

binding Resolution (“Resolution”), accepting the calculations of present and prospective needs as determined by the DCA, and committing itself and the City to adopt a Housing Element and Fair Share Plan based on those need calculations. A certified copy of the Resolution is annexed hereto as **Exhibit 1**.

16. This Resolution confirms that the City intends to rely upon a vacant land adjustment for satisfaction of some or all of its affordable housing obligations. The City further will rely upon the Nonresidential Development Fee and existing zoning to fulfill its constitutional obligations.

17. By adopting the Resolution, the City is entitled to immunity from any future exclusionary zoning lawsuits for the period from 2025 to 2035 and remains presumptively immune from suit presently.

WHEREAS, the City requests the following declaratory relief from the Program and the Court:

- a. Declaring that the City has properly filed a Resolution, and is therefore entitled to immunity from exclusionary zoning litigation for the period from July 1, 2025 to July 1, 2035; and
- b. Declaring that the City has properly determined its present and prospective need for the period from July 1, 2025 to July 1, 2035 (Fourth Round); and
- c. Declaring that the City's Housing Element and Fair Share Plan complies with the Fair Housing Act, and is therefore entitled to a certification of compliance from the Program; and
- d. Declaring that the City has fully complied with its statutory obligations under the Fair Housing Act, and that it is therefore entitled to a certification of compliance

from the Program for the period from July 1, 2025 to July 1, 2035.

**PAUL J. BALDINI, P.A.**  
Attorney for Declaratory Petitioner,  
City of Sea Isle City

By /s/Paul J. Baldini  
Paul J. Baldini

Dated: January 29, 2025

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Paul J. Baldini, Esquire is hereby designated as trial counsel for City of Sea Isle City.

**CERTIFICATION PURSUANT TO R. 4:5-1**

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding. I further certify that no other action or arbitration proceeding is contemplated.

I understand that I have a continuing obligation during the course of the litigation to file and serve on all other parties and with the Court an Amended Certification if there is a change in the facts stated above. I further understand that I am under a continuing duty to disclose the names of any other parties who should be joined in this action, and that the Court may compel the joinder of additional parties in appropriate circumstances, either upon its own Motion or that of a party.

**Paul J. Baldini, PA**  
4413 New Jersey Ave.  
Wildwood, NJ 08260  
[paul@paulbaldinilaw.com](mailto:paul@paulbaldinilaw.com)  
PJB/hkb  
File # 1027-328  
Affordable Housing  
Fourth Round

I 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.

**PAUL J. BALDINI, P.A.**  
Attorney for Declaratory Petitioner,  
City of Sea Isle City

By /s/*Paul J. Baldini*

Paul J. Baldini

Dated: January 29, 2025

**CERTIFICATION OF RULE 1:38-7(b)**

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).

**PAUL J. BALDINI, P.A.**  
Attorney for Declaratory Petitioner,  
City of Sea Isle City

By /s/*Paul J. Baldini*

Paul J. Baldini

Dated: January 29, 2025

**Paul J. Baldini, PA**

4413 New Jersey Ave.  
Wildwood, NJ 08260  
[paul@paulbaldinilaw.com](mailto:paul@paulbaldinilaw.com)  
PJB/hkb  
File # 1027-328  
Affordable Housing  
Fourth Round