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NJ Appellate Division Affirms Dismissal of Associations' Objection for Lack of Standing

In deciding *Association of Concerned Citizens of New Brunswick v. City of New Brunswick*, Docket No. A-1613-24 (Oct. 29, 2025, App. Div. 2025), the New Jersey Appellate Division dismissed litigation filed by two plaintiff associations, reaffirming three general factors for an association to have standing in litigation. The Court stated that an association has standing to bring a suit on behalf of its members when: (1) its members would otherwise have standing to sue in their own right; (2) the interests it seeks to protect are germane to the organization's purpose; and (3) neither the claim asserted, nor the relief requested, requires the participation of individual members in the lawsuit.

The Association of Concerned Citizens of New Brunswick (Citizens Association) and the Association of Disenfranchised Bidders of Redevelopment Work in the City of New Brunswick ("Bidders Association") individually filed complaints in Superior Court seeking to vacate the developer's appointment as redeveloper, compel the City of New Brunswick to solicit bids, and properly vet and investigate applications submitted by prospective redevelopers.

Both the Citizens Association and the Bidders Association asserted standing as unincorporated associations, citing N.J.S.A. 2A:64-1, which allows unincorporated organizations with seven or more members and a recognized name to sue or be sued in their own name. The trial court found insufficient evidence of a genuine association for Citizens Association and stated that they failed to present any evidence of meetings or internal leadership, and lacked a recognizable name. Additionally, they provided no principal place of business, agent of service, manager, president, or person in charge. Furthermore, the Citizens Association was formed to combat embezzlement by the property owner not designation of a redeveloper. The trial court concluded the entity was not capable of being sued, as required by N.J.S.A. 2A:64-1, or able to accept service under Rule 1:4-1. Citizens Association made a motion to reconsider, which the trial court denied. Similarly, the trial court found that Bidders Association failed to meet the requirements for standing as they lacked a recognizable name, agent of service and documentation of membership.

The Appellate Division agreed with the trial court that neither association met the threshold requirements for standing because neither presented competent proof of existence as an association capable of suing or being sued. Their submissions lacked evidence of internal structure, leadership, or an address, violating both statutory and court rule requirements. In short, allowing this suit would create a legal impossibility, where plaintiffs could sue under associational standing but could not be sued.

This decision clarifies that associations as entities must demonstrate proper existence and standing under general procedural statutes before challenging municipal redevelopment actions. Should you have any questions concerning this decision or land use litigation in general, please contact the authors of this alert or any member of the Day Pitney real estate team.

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