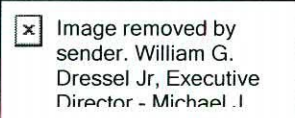




Ryan, Jessica

From: Ryan, Jessica
Sent: Friday, August 29, 2008 12:00 PM
To: Ryan, Jessica
Subject: FW: Municipal Clerks from NJLM

From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Friday, August 29, 2008 11:48 AM
To: Lashway, Lisa
Subject: Municipal Clerks from NJLM

		
LEAGUE ALERT		
Municipal Clerk: Please forward to Mayor and Governing Body.		
<p>August 29, 2008</p> <p>Re: Affordable Housing/COAH Update</p>		
<p>Dear Mayor:</p> <p>I would like to take this opportunity to update you on the status of the League's challenge of COAH's third round regulations. As you are likely aware, the League of Municipalities filed a notice of appeal with the Appellate Division of the Superior Court of New Jersey, appealing the regulations adopted by the New Jersey Council on Affordable Housing on June 2 of this year.</p> <p>The League's challenge focuses on the economic imbalances in the regulations, and the flawed methodology comprising the vacant land analysis, and the computation of jobs and housing projections through 2018. We hope that the end result will be a methodology that encourages the participation of local governments, accommodates and promotes the development of affordable housing and does so in a manner consistent with local and State planning efforts.</p> <p>We took this action at your prompting, based on strong objections to the</p>		

COAH methodology brought forth to us and the agency. To date, 217 municipalities have pledged contributions towards this challenge. Twenty-two other appeals, including some smaller groups of municipalities, have also been filed.

Our brief is due to the Court by September 17. COAH has until October 17 to reply, and we have until October 27 to file a response. There is a current motion before the Court requesting an extension to the above filings, filed on behalf of another group of municipalities. That matter is pending, and for the moment we continue to operate under the assumption that our brief will be filed by September 17. For more on our filing(s), please see our [Dear Mayor letter of July 17](#).

Meanwhile, and in light of the challenge to the regulations and the uncertainty regarding their continued validity, the League's attorney sought a limited and targeted stay from the New Jersey Council on Affordable Housing to suspend the December 31, 2008 deadline imposed by COAH for the completion and submission of the revised third round plans.

On August 13, COAH heard and denied the League's motion for a limited stay of the December 31, 2008 deadline to submit a 3rd round plan. COAH's denial was anticipated. On August 22, the League appealed this decision to the Courts, and again seeks a limited stay of the December 31st deadline. If granted, it will allow municipalities to continue to satisfy their affordable housing obligations by imposing obligations on developers. The purpose of the stay is to prevent municipalities from again expending significant financial resources into plans when the regulations are being challenged, already being proposed for change by the agency and further regulations will be

required in light of the approval of A-500. For more on this motion to the Court, please see our [Dear Mayor letter of August 13](#).

As you know, COAH proposed amendments to its regulations, which were published in the June 16 *New Jersey Register*. The League submitted comments to the agency on the proposal, which we believe does not address the major concerns raised by local governments. It is anticipated that the agency will adopt the proposed amendments at its scheduled September 22 meeting. For more on the proposed amendments, please see our [COAH resources page](#).

This issue has garnered a great deal of attention throughout the summer, and will likely continue to do so through the fall. Other stakeholders in the process have been vocal in their support of the regulations, and critical of local governments for their objections. We believe it is important for local leaders to continue to provide a factual and objective critique of these regulations to rebuke the distortions that have been put forth by some.

For more background, please visit [League President Bowser's statement](#) from our July 17 Statehouse Press Conference. The "[Seven Fatal Flaws](#)" handout provides a brief overview of the major flaws in the COAH methodology.

Questions on this letter and this issue can be directed to Mike Cerra at

mcerra@njslom.com or at 609-695-3481 x120.

Very truly yours,

William G. Dressel, Jr.

Executive Director

NJLM
222 West State Street
Trenton, NJ 08608

To unsubscribe from this list, send a blank email to leave-5921180-235018168N@lists.n-email2.net.