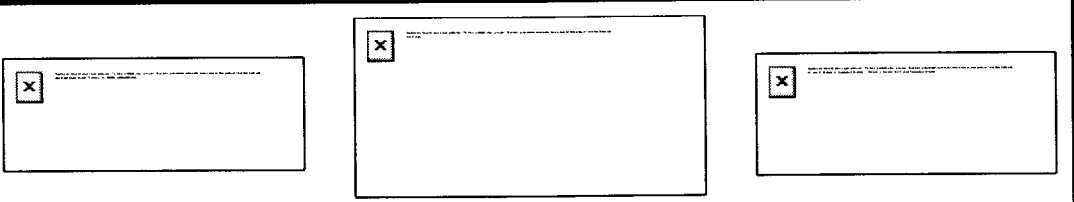




Lashway, Lisa

From: NJLM - Municipal Clerks [njlm-clerks@cityconnections.com]
Sent: Thursday, July 17, 2008 3:24 PM
To: Lashway, Lisa
Subject: Municipal Clerks from NJLM



LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

July 16, 2008

Re: League Files Challenge of COAH Regulations

Dear Mayor:

On Tuesday, 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. League President Robert Bowser, Mayor of the City of East Orange, announced the challenge at a Statehouse press conference. Mayor Bowser was joined by League Board members Janice Miranov, Mayor of East Windsor, Gary Passanante, Mayor of Somerdale, Randy Brown, Mayor of Evesham Township, Gerald J. Tarantolo, Mayor of Eatontown, as well League Past President Peter Cantu, former League First Vice President and Morris County Freeholder Gene Feyl, Bridgewater Mayor Patricia Flannery, and League Assistant Counsel, Edward J. Buzak, Esq., who will represent the League in this matter. We thank them for their support and assistance.

In our press conference, the League stated explicitly that it supports the provision and purpose of affordable housing. Our actions are not meant to hinder the production of affordable housing. On the contrary, our actions are in support of achieving a sustainable affordable housing policy and in defense of our property taxpayers.

The League's challenge focuses on the economic imbalances in the regulations, and the flawed methodology comprising the vacant land analysis, 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.

We also drew a distinction that our challenge is of the COAH regulations, and not the result of the passage of A-500. We certainly recognize, however, that the provisions of A-500 will make municipal compliance more difficult and its passage makes our challenge of the COAH regulations all that more important to our taxpayers. The Governor will sign A-500 into law today.

In light of the challenge to the regulations and the uncertainty regarding their continued validity, the League's attorney will be seeking 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. 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.

If your municipality has not pledged towards our efforts, but would like to, please see the pledge form online at: <http://www.njslom.org/COAH-3rd-round-pledge.pdf>

Today is the deadline for stakeholders to file with the Court, and we anticipate more challenges forthcoming. We will continue to advise you of developments.

As noted above, Governor Corzine will sign A-500/S-1783 into law today. For more on these bills, please see our Dear Mayor letters of June 27 and June 20. We continue to express our concerns over the elimination of a compliance tool for municipalities to comply with their housing obligations, as well as the fact that we have demonstrated that the new commercial development fee pays for a fraction of the housing currently projected by COAH. It would be naïve to believe that, left unaddressed, this will not negatively impact taxpayers.

Very Truly Yours,

William G. Dressel, Jr.
Executive Director