



LEGISLATIVE VIEWPOINT

**New Jersey State League
of Municipalities**

222 West State Street, Trenton, New Jersey 08608
PHONE (609) 695-3481 • FAX (609) 695-5156
EMAIL league@njslom.com • www.njslom.com

William G. Dressel, Jr.
EXECUTIVE DIRECTOR

Michael J. Darcy, CAE
ASSISTANT EXECUTIVE DIRECTOR

Michael F. Cerra
SENIOR LEGISLATIVE ANALYST

Jon R. Moran
SENIOR LEGISLATIVE ANALYST

Helen Yeldell
SENIOR LEGISLATIVE ANALYST

November 14, 2008

The Honorable Jon S Corzine
Governor of New Jersey
Statehouse
PO Box 001
Trenton, NJ 08625-0001

Re: Affordable Housing—COAH Regulations

Dear Governor Corzine:

On behalf of the League's 566 member municipalities, I write to request that you issue an Executive Order extending the current December 31 deadline faced by municipalities to submit petitions for substantive certification by the Council on Affordable Housing (COAH.)

The League does not make this request lightly, but with confidence that it is in the public's interest. The League previously sought this extension from the Appellate Division, and our request was denied. This denial has been misinterpreted that the Court has established this deadline, which is not the case. The December 31 deadline is an arbitrary date, picked by COAH. The Court merely deferred to the deadline chosen by the agency. It is certainly and undeniably within your authority to extend this deadline.

There are a number of reasons for you to extend this deadline, and all in the public interest. The COAH "third round" regulations were recently amended, with these changes effective only October 20. Further, COAH recently posted on its website forms and applications that must be completed as part of the petition and then revised those forms.

Coupled with these regulatory amendments and changes in the applications procedures, is the fact that the preparation of a COAH petition is a timely and expensive procedure, often costing in the tens of thousands of dollars, and requiring multiple public meetings, and dozens, if not hundreds, of hours paid to consultants, planners and attorneys.

It is our opinion that the December 31 deadline simply does not offer municipalities enough time to plan accordingly, but does require the expenditure of significant taxpayer dollars.

Second, the COAH regulations do not comply with the January 2007 Appellate Division decision or the Fair Housing Act. As you know, the League, as well as many others, is challenging the COAH regulations. We will be submitting our brief in this matter in the first week of January.

The briefing calendar issued by the Appellate Division extends through April 2009, and we do not yet know when the Court will hold oral argument. It is very possible that the Appellate Division will not issue its decision until next fall, and possibly later.

To date 247 municipalities have made financial contributions towards the League challenge. While certain housing advocates have unsuccessfully attempted to portray this merely as local governments trying to avoid their obligations, the actions of these duly-elected officials cannot be so cavalierly dismissed. We note that the overwhelming majority of communities who have previously been COAH certified have pledged towards the League challenge. The fact that these communities, who have provided their fair share and plan to do so again, are part of this challenge speaks for itself.

Furthermore, these regulations compound the negative impact of the current economic environment. At a time when our communities are challenged to promote development, COAH's regulations are dampening economic development.

We argue that COAH's regulations will be impossible to comply with for many, if not most, municipalities and will likely be obsolete before plans are implemented. The result will be that the regulations will not serve the public interest, since limited affordable housing will be built and inadequate funding will be provided for such housing.

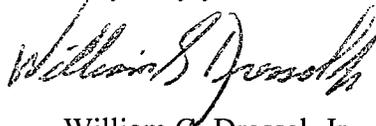
The State is at a watershed moment, and the seriousness of this issue demands more careful consideration than what is being demanded of municipalities.

Therefore, the League requests an Executive Order, extending the current December 31 deadline for six months, to allow municipalities to better plan for affordable housing, to allow the necessary reforms to the COAH regulations and, we hope, give the Legislature the opportunity to move legislation to assist in creating new compliance mechanisms and identify adequate funding to help municipalities and the State provide for affordable housing.

Such action better serves the public interest than the current course since it allows municipalities adequate time to plan for the provision of affordable housing, protects our property taxpayers and allows for cohesive COAH reforms in the light of the current economic realities.

Thank you,

Very truly yours,

A handwritten signature in cursive script, appearing to read "William G. Dressel, Jr.", written in black ink.

William G. Dressel, Jr.
Executive Director

WGD:mc/sc