

May 7, 2015

REVISED

RE: COAH/Affordable Housing

Dear Mayor:

You were likely copied on an April 24 letter to the Mount Laurel judges on behalf of the New Jersey Builders Association (NJBA). In this ex parte communication, the NJBA provided the judges with copies of a report prepared by planner David Kinsey on behalf of the Fair Share Housing Center (FSHC.)

The "Kinsey report" estimates that the prospective statewide affordable housing obligation is just over 200,000 and then allocates that need over the State's 565 municipalities.

On behalf of the League, Edward J. Buzak, Esq, who represented the League in the recent challenges to COAH's 3rd round regulations, has written each of the same assigned 16 judges to express strong objections to the NJBA communication, which we believe is inappropriate and unprecedented. The text of the letter is online at: <http://nj-njslom.civicplus.com/DocumentCenter/View/6507>

Regarding the Kinsey report we would like to make the following comments:

1. The Kinsey report numbers are NOT your affordable housing obligations. This is a report submitted on behalf of the Fair Share Housing Center and is their opinion only. The support of this particular analysis by the NJBA does not make it any more than their opinion and does not in any manner make these the definitive numbers.
2. The Kinsey report numbers are cumulative between 1999 (when the COAH 2nd round expired) and 2025. Effectively, this report assumes that municipalities will be obligated to address a quarter century of obligation in a ten-year period.
3. The Kinsey report has not been reviewed or approved by any government agency or court.
4. The League is reviewing the Kinsey report and will provide you with further comments.

The March New Jersey Supreme Court decision is effective on June 8 and municipalities have 30 days from then (on or about July 8) to file declaratory judgement. For more on this decision, please see the League's March 27 letter at: <http://nj-njslom.civicplus.com/ArchiveCenter/ViewFile/Item/361>

The League will continue to advise you on all related developments.

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Very truly yours,

William G. Dressel, Jr.

Executive Director