



From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Wednesday, August 26, 2009 2:28 PM
To: Lashway, Lisa
Subject: Two Issues

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

August 26, 2009

RE: Two Issues
I. Eastampton Affordable Housing Decision
**II. SAVE THE DATE – 18th Annual Mayors’
Legislative Day**

Dear Mayor:

On Monday, the Appellate Division ruled that a municipality could still be sued to allow the construction of affordable multi-family housing on lots planned for single-family development, even after the municipality had met its fair share obligations.

The case was brought against the Eastampton Township Planning Board, which had denied the application of a non-profit developer for a use variance, in order to build two two-family homes on the site. It was based on the contention that affordable housing remains an ‘inherently beneficial use,’ even after COAH has certified that the municipality has met (in fact, Eastampton had surpassed) its regional fair share.

A copy of the Court’s Opinion can be viewed at <http://www.njslom.com/Homes-of-Hope-App-Decision.pdf>

As you’ll see, in a concurring opinion (also in the posting), Judge Chambers suggests that the Legislature may need to act to correct this problem, in which the State’s commitment to affordable housing can conflict with the Constitutional reservation of land use powers to local bodies.

Our Legal Intervention Advisory Committee is reviewing the decision, in order to determine whether we should get involved, if Eastampton decides to appeal to the State Supreme Court.

We are also exploring Legislative options.

For more information, contact Mike Cerra at 609-695-3481, ext. 120 or Jon Moran at ext. 121.

Re: II. SAVE THE DATE - 18th ANNUAL MAYORS' LEGISLATIVE DAY

**Wednesday, February 24, 2010
The State House Annex
Committee Rooms 4
West State Street
Trenton, New Jersey
Details to follow**

Very truly yours,

William G. Dressel, Jr.
Executive Director

NJLM
222 West State Street
Trenton, NJ 08608

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