

New Jersey State League of Municipalities Conference Resolution 2008 -11

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Calling for Comprehensive Reform to the Fair Housing Act and the State Planning Act

WHEREAS, the New Jersey State Legislature passed the “Fair Housing Act” (PL 1985, c. 222) creating the Council on Affordable Housing (COAH) as a alternative to the Courts for municipalities to comply with its affordable housing obligation; and

WHEREAS, the New Jersey State Legislature also passed the “State Planning Act” (PL 1985, c. 398) which established the State Planning Commission, the Office of State Planning (now the Office of Smart Growth) and the inclusionary and voluntary process of cross-acceptance to create the State Plan; and

WHEREAS, COAH’s adopted “third round regulations” have resulted in significant municipal opposition to the punitive property tax impact, flawed methodology, retroactive assessment of third round growth, decreases in the flexibility of tools used for compliance, inadequate funding, inconsistency with smart growth and environmental protection policies and its anti-economic development thus resulting in litigation being brought forth by the New Jersey State League of Municipalities, with financial support of over two hundred fifty municipalities; and

WHEREAS, these failures are compounded by subsequent state legislative action which underscores the failure of the agencies of state government to work cooperatively and toward compatible goals among themselves and with local municipal officials; and

WHEREAS, hundreds of municipalities face a December 31, 2008 deadline to file COAH plans and this deadline does not allow enough time for a process to implement sound planning principles in an open and transparent manner; and

WHEREAS, the voluntary, inclusionary and bottom-up approach embraced in the original “Fair Housing Act” and the “State Planning Act” was the major reason the New Jersey State League of Municipalities and local governments in general supported both pieces of legislation.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the League and municipal governments support the provision and intent of affordable housing, support sound planning strategies and believe that the two are not mutually exclusive; and

BE IT FURTHER RESOLVED, that the Council of Affordable Housing should reform its housing regulations to address the punitive property tax impact, flawed methodology, retroactive assessment of third round growth, decreases in the flexibility of tools used for compliance, inadequate funding, inconsistency with smart growth and environmental protection policies and its anti-economic development thrust to provide a six month extension from the current December 31 filing deadline faced by hundreds of municipalities; and

BE IT FURTHER RESOLVED, that the New Jersey State Legislature should conduct a thorough review of the Fair Housing Act and the State Planning Act, and engage necessary reforms to assure the planning efforts of the State of New Jersey are consistent, reasonable and fiscally responsible,

allowing for rational growth, the provision of housing for all income levels, including low and moderate income households, adequate funding for transportation infrastructure priorities and the preservation of natural resources; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of the State of New Jersey, the Commissioner of the Department of Community Affairs, the members of the Council on Affordable Housing, the members of the State Planning Commission and the members of the State Legislature.