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Re: Public Opposition to S-50/A-4

Dear Distinguished Senators and League of Municipalities,

I am writing to urge you to reconsider your sponsorship and/or support for Bill S-50/A-4, which has passed the Assembly and is currently awaiting a final committee hearing and a vote before the New Jersey Senate.

As you know, this Bill was written by special interests, intentionally shielded from public scrutiny until it was sprung upon New Jersey residents amidst the holidays at the end of the last Legislative Session. Despite significant outcry from the public, the bill was reintroduced this Session and quickly moved through the Assembly. At no time has the Legislature given due consideration to the public's very real and valid concerns about this Bill, which include at least the following:

- This Bill is advancing despite the fact that the fair share obligation of communities such as Montvale has not been calculated. Based upon preliminary calculations, this Bill likely imposes unrealistic obligations on our local community and then subjects us to dire consequences for failing to create a realistic opportunity for an unrealistic obligation. This is compounded based on the Round 3 debacle which imposed unrealistic obligations in the first place. This is compounded further by the rigidity within the formula and the revised adjustment parameters.
- The Legislature has not considered or evaluated the impact upon local infrastructure of the development required in order to comply with the 26-year Round Three obligation. The 600+ units that were imposed upon us and which have actually been constructed in the past five years have had a significant impact on local roadways, water, sanitary and storm sewer systems, local and regional schools, and many other aspects of local government. Until the full impact of the additional development is understood, it is reckless to pile on additional unrealistic obligations.
- For completely-developed municipalities such as Montvale, the Vacant Land Adjustment process has been undermined in this Bill in a way that will incentivize, if not require,

inappropriate, high-density development in areas that were never intended for such development. The Mount Laurel doctrine has always recognized the important role of “good planning” when complying with municipal obligations; however, this Bill effectively forces “bad planning” on developed municipalities.

- The Bill reduces the protection afforded municipalities for voluntary compliance, which will lead to costly litigation and added expense for taxpayers, and which will undermine the incentives for municipalities to participate in the court-driven process set forth in the Bill. Under COAH, municipalities could be fairly certain that good faith participation in the compliance process shielded the town from builder’s remedy and other lawsuits. By way of contrast, this Bill creates numerous avenues for developers and other interest groups to sue municipalities who are trying their best to comply with unrealistic mandates.
- The Bill inexplicably disturbs well-established precedent in the area of affordable housing development, in favor of maximizing the leverage of developers, in every instance. This includes, but is not limited to, bonuses, adjustments, legal protections, the 1,000-unit cap, the mid-point review and other precedent.

On behalf of myself and my community, I urge you to withdraw your support for S-50/A-4. It would be in the best interests of the taxpayers of this State for the Legislature to work with the representatives of the public who will pay the enormous costs this bill would impose on them if adopted in its current form. We can all agree that our State is best served by a workable bill with realistic obligations that can be a model for the future of affordable housing development in New Jersey. Although this bill fails in this regard, we agree that our affordable housing policies can be improved by rooting legislation in realities instead of unrealistic aspirations and addressing the legitimate concerns of the public.

Sincerely,

[Your Name]
[your street]
[your city], [your state] [your zipcode]