(C)

Masser, Michelle

From: Lashway, Lisa
Sent: Tuesday, December 23, 2008 3:50 PM
To: Masser, Michelle
Subject: FW: Municipal Clerks from NJLM

Correspondence

Lisa Lashway
Township Clerk
Township of Mount Olive
P.O. Box 450
Budd Lake, NJ 07828
973-691-0900 Ext. 7290

From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Tuesday, December 23, 2008 3:34 PM
To: Lashway, Lisa
Subject: Municipal Clerks from NJLM

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Image removed by sender. NJLM logo

Image removed by sender. William G. Dressel Jr, Executive Director - Michael J

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

December 23, 2008

Re: COAH Deadline Extension Denied

Dear Mayor:

We have just received word from Department of Community Affairs Commissioner Joseph Doria that our request for an emergency meeting of the Council on Affordable Housing (COAH) to consider an extension of the December 31 filing deadline has been rejected. COAH, therefore, will not

have the opportunity to consider the merits of our request for such an extension.
On November 14, and again on November 24, the League had written to Governor Corzine, requesting an Executive Order to extend the December 31 deadline by a period of six-months. We have been advised by the Governor's Chief of Staff that that request would not be granted, due to concerns that such an order could be voided by the Courts.
Accordingly, no relief from the December 31 deadline will be provided.
Our request for emergency COAH action on an extension had been supported by Senators Lesniak and Bateman, by Assembly Speaker Roberts and by Assemblyman Green, the Chairman of the Assembly Housing and Local Government Committee, by groups committed to environmental protection, and by many interested in sound planning principles.

The Commissioner's decision means that municipalities will need to file revised third round plans by December 31 or face 'builders' remedy' lawsuits.

Very truly yours,

William G. Dressel, Jr.
Executive Director

December 23, 2008

Mr. William Dressel
Executive Director
New Jersey League of Municipalities
222 West State Street
Trenton, New Jersey 08608

Dear Mr. Dressel:

I am writing regarding your request that the Council on Affordable Housing (COAH) hold an emergency meeting to extend the December 31st deadline for submitting revised third round plans. As you know, the December 31st deadline, which is set forth in regulations adopted by COAH earlier this year, applies only to a portion of the municipalities in the State. The deadline applies only to those towns that previously participated in COAH's original third round or that voluntarily chose to file plans before the court and thereby continue to maintain protection against "builder's remedy" lawsuits. Published reports indicate that over 200 of the towns to which the deadline applies have recently taken action to approve revised plans, or are

poised to do so over the next couple of days.

We recognize the time and effort that is required for the planning process, and COAH has worked with many towns to provide information and assistance in that process. COAH also has issued guidance that addresses some of the significant concerns that have been raised about the growth share impact of new residential construction.

As to the deadline, COAH's regulations provide the opportunity for individual municipalities to apply to COAH for a waiver of a particular regulatory requirement provided that criteria set forth in the waiver regulation are satisfied. This waiver option has been available to any town that believes it cannot meet the deadline and whose request meets the criteria.

We have given serious thought and consideration to your request but have determined that an across-the-board extension of the deadline would not be consistent with COAH's statutory obligations under the Fair Housing Act.

As we have stated, COAH is committed to continuing to work cooperatively with municipal officials in the planning process, and that cooperation certainly will continue as we move forward.

Sincerely,

Joseph V. Doria, Jr.
Commissioner

NJLM
222 West State Street
Trenton, NJ 08608