

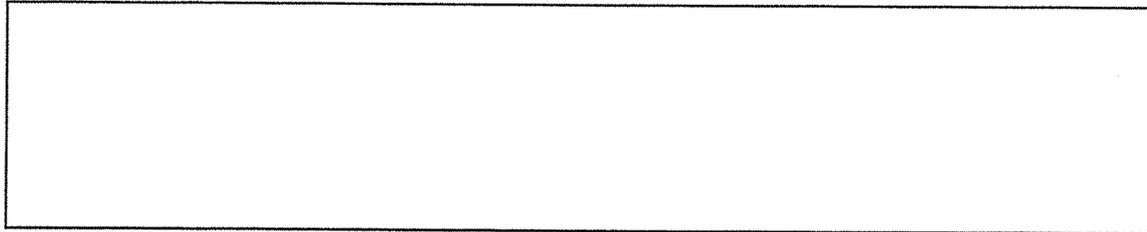
Susan Gouveia



From: Lashway, Lisa
Sent: Tuesday, May 14, 2013 2:18 PM
To: Canning, Sean; Susan Gouveia; Natafalusy, Catherine; Greenbaum, Rob
Subject: FW: Apellate Court Issues Injunction Staying Seizure of Affordable Housing Trusts

Lisa Lashway
Mt. Olive Twp. Clerk
973-691-0900 Ext. 7291
FAX 973-691-2080
PO Box 450
Budd Lake, NJ 07828

From: NJLM to Municipal Officials [mailto:njlm-clerks@njslom.org]
Sent: Tuesday, May 14, 2013 1:55 PM
To: Lashway, Lisa
Subject: Apellate Court Issues Injunction Staying Seizure of Affordable Housing Trusts



Mayors Advisory

May 14, 2013

URGENT ALERT

Re: Appellate Court Issues Injunction Staying Seizure of Affordable Housing Trusts

Dear Mayor:

The Appellate Division issued an injunction late yesterday, which stayed the State's attempted seizure of potentially up to \$164 million dollars in municipal affordable housing trust funds.

Effectively, the Court blocked the actions of the Council on Affordable Housing (COAH) at their May 1 meeting. On the date, the Council met for the first time in over two years to authorize the attempted seizure of the municipal affordable housing trust funds. Please see the League's May 1 letter for more on that meeting: <http://www.njslom.org/letters/2013-0501-COAH.html>

The Court's action comes in response to action brought by the Fair Share Housing Center (FSHC) on Friday. In that action, FSHC argued that the agency failed to comply with its own existing regulations. The Court order prohibits the State from moving forward on taking the trusts until the Appellate Panel convenes for oral argument on the matter on June 5 in Newark. The Administration could appeal the Appellate Division injunction to the New Jersey Supreme Court.

As you know, the League strongly opposed the State's attempted seizure of the funds and welcomes and appreciates the Court's action. The affordable housing trusts are collected by municipalities to subsidize the construction of affordable housing, assisting municipalities in meeting their state mandated housing obligations and providing a revenue source that is not dependent on the property tax. If the State were successful in seizing these local trusts, municipalities would be forced to comply with these obligations by depending on other revenues sources, including the property tax.

As a result of the court injunction, municipal responses and payment to COAH of "uncommitted" funds are now **not due** by May 22. However, you may want to continue to prepare and have your responses ready to go if it becomes necessary to submit at some future date. Please consult with your attorneys and housing specialists as to what approaches are most appropriate for your municipality.

The League will continue to advise you of all developments on this matter. Questions can be directed to Mike Cerra at mcerra@njslom.com or 609-695-3481 x120.

Very truly yours,

Janice S. Mironov, President
New Jersey State League of Municipalities,

William G. Dressel, Jr.
Executive Director

PLEASE NOTE: As of May 15, 2013 we will no longer fax our Membership Advisories unless you specifically request it. Please contact Shirley Cade at scade@njslom.com or 609-695-3481 ext. 114 ONLY if you choose to continue having our Advisories faxed to your Municipality.

NJLM Advisories are posted daily on our website at www.njslom.org as well as emailed to our clerks list. If you have not registered to be on our clerks email list you can do so through our website or contact Shirley Cade.

Please be advised that the information you receive is not legal advice. You must consult your town attorney to make sure that any of the material you receive is in accordance with current state law and your particular facts and situation.

Please be advised that the New Jersey State League of Municipalities is subject to the New Jersey Open Public Records Act. As such, any email sent or received by the League may be subject to a records request.

New Jersey League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481
<http://www.njslom.org>

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