
: SUPREME COURT OF NEW JERSEY
 : DOCKET NO. 67,126
 :
 IN THE MATTER OF THE ADOPTION : APPELLATE DIVISION
 OF N.J.A.C. 5:96 AND 5:97 BY : DOCKET NO. A-5404-07T3
 THE NEW JERSEY COUNCIL ON : LEAD DOCKET NO. A-5382-07T3
 AFFORDABLE HOUSING :
 : OTHER DOCKET NOS.
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 : Civil Action
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 : ON MOTION FOR LEAVE TO APPEAR
 : AMICI CURIAE ON APPEAL FROM THE
 : APPELLATE DIVISION
 :
 : Sat Below
 : Honorable Stephen Skillman
 : Honorable Jose L. Fuentes
 : Honorable Marie P. Simonelli

**BRIEF OF AMICI CURIAE, THE CORPORATION FOR SUPPORTIVE
 HOUSING AND SUPPORTIVE HOUSING ASSOCIATION OF NEW JERSEY**

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Southern Burlington Cty. N.A.A.C.P. v. Tp. of Mount Laurel,
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NEW JERSEY FAIR HOUSING REPORT: Housing Discrimination Enforcement and Initiatives in 2007, at 1 (N.J. Attorney General's Office 2007) 25

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Teresa Fasanello, Neighbors Hire Attorney To Dispute Arc Home For Disabled In Their Raritan Twp. Development (Hunterdon Democrat, June 9, 2011) 24

The Urban Institute, Discrimination Against Persons with Disabilities: Barriers at Every Step at 2 (Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2005) 25

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I. PRELIMINARY STATEMENT

The Supportive Housing Association of New Jersey and the Corporation for Supportive Housing (together, the "Supportive Housing Providers") appear in this matter amici curiae to urge this Court to affirm the Appellate Division's decision below invalidating the Third Round "growth share" methodology adopted by the Council on Affordable Housing ("COAH"). Supportive Housing Providers further urge this Court to affirm the Appellate Division's direction to COAH to use a methodology similar to the methodologies implemented by COAH in prior rounds.

It should not be forgotten that the basis of the Mount Laurel decisions and New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the "Act"), was to ensure that municipal zoning did not ignore the critical housing needs of the poor and underserved. Southern Burlington Cty. N.A.A.C.P. v. Tp. of Mount Laurel, 62 N.J. 151, 220-21 (1975) ("Mount Laurel I"); Toll Bros., Inc. v. Tp. of West Windsor, 173 N.J. 502 (2002). "There cannot be the slightest doubt that shelter, along with food, are the most basic human needs. 'The question of whether a citizenry has adequate and sufficient housing is certainly one of the prime considerations in assessing the general health and welfare of that body.'" Mount Laurel I, supra, 67 N.J. at 178. Low- and

moderate-income people with special needs are included beneficiaries of this protected class.

While people with special needs may not be the first people that many think of in connection with exclusionary zoning, they are among the most harmed. A federal study found that discrimination in housing against people with special needs occurs even more often than discrimination against African-Americans or Latinos, and over one-third of all housing complaints to the New Jersey Division on Civil Rights concern people with special needs, despite their significantly smaller share of the population. When exclusionary zoning is allowed to stand, it becomes very hard to create housing for people with special needs.

Since the passage of the Act, the COAH process has been the State's most reliable way to create homes for people with special needs, with over 7,000 homes now built that meet First and Second Round fair share obligations. But the combination of the growth share regulations and the delay in implementation of the Third Round has created a de facto moratorium on the development of affordable supportive housing across much of the State. As a result, many people with special needs remain institutionalized, in housing that is unsafe or overcrowded, or in homes they cannot afford without giving up other basic necessities.

This brief tells the stories of what happens when growth share is implemented: in more and more New Jersey municipalities, the fears of local residents about people with Asperger's syndrome, disabled veterans, or the mentally ill result in rejection of homes for people with special needs. Without a firmly-defined check on exclusionary zoning, these fears and prejudices gain an opening to become the basis for municipal planning and zoning decisions.

Growth share, in any form, simply does not work for developers of special needs housing. The ongoing uncertainty of municipal obligations under growth share make it impossible for special needs providers to have the firm commitment needed from a municipality to justify the time and expense of the lengthy process – often five (5) years – it takes to plan and build affordable housing for people with special needs.

COAH is twelve (12) years overdue in determining valid Third Round housing obligations. People with special needs cannot wait another twelve (12) years for the remedy required by this State's Constitution as construed by Mount Laurel. Thus, the Special Needs Providers request that this Court affirm the Appellate Division's decision below and reinstate the First and Second Round methodology that led to significant benefits for people with special needs across the state.

II. PROCEDURAL HISTORY

COAH's Third Round regulations are required to address the affordable housing needs and municipal obligations from 1999 to 2009.¹ COAH adopted Third Round regulations on December 20, 2004. 36 N.J.R. 5748(a); 36 N.J.R. 5895(a). Appeals were subsequently filed challenging, among other things, COAH's growth share methodology. On January 25, 2007, in In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (App. Div. 2007), the Appellate Division struck down the Third Round regulations and held that the growth share methodology violates Mount Laurel II by failing to place appropriate checks on municipal discretion. Id. at 56. The Appellate Division ordered COAH on remand to adopt new rules within six (6) months. Id. at 88.

In June 2008, COAH adopted revised Third Round regulations. 40 N.J.R. 2690(a). Immediately thereafter, COAH adopted amended regulations in September 2008. 40 N.J.R. 5965(a). Appeals were filed, and on October 8, 2010, the Appellate Division once again

¹ Under the New Jersey Constitution, as construed in Southern Burlington Cty. N.A.A.C.P. v. Tp. of Mount Laurel, 62 N.J. 151 (1975) ("Mount Laurel I"), and Southern Burlington Cty. N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") (collectively "Mount Laurel"), and their progeny, New Jersey municipalities have an affirmative duty to create a realistic opportunity of safe, decent housing affordable to low- and moderate-income households to satisfy their fair share of the unmet housing need. The First Round regulations addressed housing needs and municipal obligations from 1987 to 1993; the subsequent Second Round regulations covered years 1993 to 1999.

struck down COAH's Third Round regulations. In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (App. Div. 2010). Relying upon the analysis set forth in its decision in In re Adoption of N.J.A.C. 5:94 and 5:95, supra, the Appellate Division held that the growth share methodology violates the Mount Laurel mandate:

One of the primary grounds upon which we invalidated substantial portions of the original third round rules was COAH's use of a "growth share" methodology to allocate the responsibility for the prospective need for affordable housing to municipalities, rather than assigning a specific numerical prospective need obligation to every municipality located in a growth area, as the first and second round rules had done.

We invalidated the growth share methodology incorporated in the original third round rules on two grounds. First, we concluded that the record did not contain reliable data showing that "the State as a whole, and ... each region within the State, [has] sufficient vacant develop-able land within growth areas to enable the [growth share] ratios to generate enough housing to meet the need[,] " and that without such data, "COAH cannot reasonably assume that its growth share methodology will provide a realistic opportunity to meet the statewide and regional need." Therefore, we ruled that "the growth share methodology can be valid only if COAH has data from which it can reasonably conclude that the allocation formula can result in satisfaction of the statewide need."

Second, and more fundamentally, we concluded that the growth share methodology adopted in the original third round rules was invalid because it allowed a municipality to avoid

any substantial responsibility for satisfying its obligations to provide affordable housing by adopting land use regulations that discourage growth.... * * *

[W]e conclude that even if the vacant land study accurately identified the available vacant developable land in the State, the growth share methodology contained in the revised third round rules is invalid because it allows a municipality to avoid any significant obligation for satisfying the prospective need for affordable housing by adopting land use regulations that discourage growth. * * *

Therefore, we conclude that the growth share methodology for determining a municipality's share of the prospective regional need for affordable housing set forth in the revised third round rules, like the growth share methodology set forth in the original third round rules, "permit[s] municipalities with substantial amounts of vacant developable land and access to job opportunities in nearby municipalities to adopt master plans and zoning ordinances that allow for little growth, and thereby a small fair share obligation," and is thus invalid for the reasons set forth in our prior opinion. In re Adoption of N.J.A.C. 5:96 and 5:97, supra, 416 N.J. Super. at 478-83 (citations omitted).

The Appellate Division ordered COAH to adopt regulations using prior round methodologies within five (5) months of the decision. Id. at 485. Five (5) petitions for certification were timely filed with this Court, all of which were granted on March 29, 2011.

III. IDENTITY AND INTEREST OF THE AMICI CURIAE

The Supportive Housing Providers are nonprofit organizations that represent the interests of individuals with special needs² throughout the State of New Jersey in the course of creating affordable supportive housing opportunities.

A. SUPPORTIVE HOUSING ASSOCIATION OF NEW JERSEY³

The Supportive Housing Association of New Jersey ("SHA") is a statewide, nonprofit organization whose mission is to promote and maintain a strong supportive and affordable housing industry in New Jersey for people with special needs. The SHA serves its constituency through strengthening the capacity of member organizations to provide supportive housing services through information, training, and collaboration; promoting systems changes to provide more flexible funding and increased mainstream housing opportunities; and educating policy makers, elected officials, and the public on the use and benefits of the supportive housing model. SHA's 85 members include developers of supportive housing for people with special needs, providers of

² The New Jersey Special Needs Housing Trust Fund Act defines "individuals with special needs" to mean "individuals with mental illness, individuals with physical or developmental disabilities and individuals in other emerging special needs groups identified by State agencies." N.J.S.A. 34:1B-21.24. See also N.J.A.C. 5:97-1.4. In this brief, the terms "individuals with special needs" and "people with special needs" are used interchangeably.

³ The SHA website is located at: <http://shanj.org/>.

residential support services for people with special needs, and advocacy organizations. SNa1

B. CORPORATION FOR SUPPORTIVE HOUSING⁴

The Corporation for Supportive Housing ("CSH") is a national nonprofit organization devoted to the prevention and elimination of homelessness among all special needs groups, including hard-hit groups such as disabled veterans and those with mental illness. To achieve this goal, CSH assists communities with the creation of affordable permanent supportive housing⁵ with specific services for people with special needs. It is CSH's vision that one day homelessness will no longer be a routine occurrence and supportive housing will be an accepted, understood, and easy-to-develop response. CSH brings together people, skills, and resources to accomplish its purpose. CSH advances its mission by providing high-quality advice and development expertise, by making loans and grants to supportive housing sponsors, by strengthening the supportive housing

⁴ The CSH website is located at: <http://www.csh.org/>.

⁵ The New Jersey Special Needs Housing Trust Fund Act defines "permanent supportive housing" to mean "a range of permanent housing options such as apartments, condominiums, townhouses, single and multi-family homes, single room occupancy housing, shared living and supportive living arrangements that provide access to on-site or off-site supportive services for individuals and families who can benefit from housing with services." N.J.S.A. 34:1B-21.24. See also N.J.A.C. 5:97-1.4.

industry, and by reforming public policy to make it easier to create and operate supportive housing.

As of December 31, 2010, the national results of CSH's lending, grant-making and project-specific assistance include:

49,928 new units of supportive housing have been developed or are currently in development.

Approximately 32,727 formerly homeless adults and children now live in supportive housing units directly created by CSH.

CSH has committed more than \$270 million in low-interest loans and grants to support the development of supportive housing.

In coordination with broader national efforts to eliminate homelessness, in 2002, CSH established an ambitious goal to create 150,000 units of supportive housing in ten (10) years. CSH has since created 117,503 supportive housing units towards its 150,000 unit goal.⁶ SNa2-28; SNa78.

IV. ARGUMENT

A. PEOPLE WITH SPECIAL NEEDS ARE A CRITICAL PART OF THE NEED IDENTIFIED IN THE MOUNT LAUREL CASES

Under the New Jersey Constitution, as construed by Mount Laurel, New Jersey municipalities must through their land use ordinances create a realistic opportunity for safe, decent

⁶ Corporation for Supportive Housing 2008-2012 Strategic Plan (April 2008); Michael Allen, Waking Rip van Winkle: Why Developments in the Last Twenty Years Should Teach the Mental Health System Not to Use Housing as a Tool of Coercion, 21 Behav. & Sci. Law 503, 521 (July/August 2003).

housing that is affordable to low- and moderate-income households to satisfy their fair share of the regional housing need. Mount Laurel II, 92 N.J. 215-216. Low- and moderate-income people with special needs are a subset of the intended beneficiaries of the Mount Laurel Doctrine. Mount Laurel I, supra, 62 N.J. at 159 ("We will, therefore, consider the case from the wider viewpoint that the effect of Mount Laurel's land use regulation has been to prevent various categories of persons from living in the township because of the limited extent of their income and resources."); N.J.A.C. 5:97-1.4, -3.4, -3.6, -4.3(c), -6.10 and Appendix A; SNa29-59.

In fact, access to affordable housing for people with special needs presents unique challenges because of a combination of low incomes and discrimination based upon disability. Nationally, "most tenants with psychiatric disabilities are too poor to afford housing at market rates, and many operators of public and subsidized housing are unwilling to rent to them."⁷ SNa75. On average across the nation, people with special needs pay 112.1 percent of their monthly income to rent a modest one-bedroom unit.⁸ SNa83a.

⁷ Allen, supra, note 6 at 518.

⁸ Emily Cooper, et al., Priced Out in 2008: The Housing Crisis for People With Disabilities at 1 (April 2009), <http://www.tacinc.org/downloads/Priced%20Out%202008.pdf>.

Unfortunately, "[i]n many cases, it is the very unavailability or withholding of a basic human need -- such as housing -- that exacerbates the symptoms of mental illnesses."⁹ SNa75. Conversely, "[g]reater choice in housing is also positively correlated with happiness and life satisfaction ratings and, ultimately, with community success."¹⁰ SNa76.

In fact, in many (if not most) cases, the most effective modality for treating those with psychiatric disabilities has been found to be what is known as the "Housing First" model, in which housing is offered first and is not contingent upon the acceptance of treatment services. This model is based on the principle that adequate, stable housing is an essential element of treatment and recovery.¹¹ The State of New Jersey has endorsed the Housing First model.¹²

⁹ Allen, supra note 6, at 518.

¹⁰ Id. at 519.

¹¹ Sam Tsemberis et al., Housing First, Consumer Choice, and Harm Reduction for Homeless Individuals with a Dual Diagnosis, 94.4 Am. J. of Public Health 655 (2004), <http://www.pathwaystohousing.org/Articles/PTHPublications/Pathways American Journal of public health.pdf>; Nat'l Council on Disability, Inclusive Livable Communities for People with Psychiatric Disabilities, 22-23 (2008), <http://www.ncd.gov/newsroom/publications/index.htm>; Allen, supra, note 6 at 519.

¹² N.J. Dep't of Human Servs., Home to Recovery-CEPP Plan: Plan to Facilitate the Timely Discharges of CEPP Patients in NJ's State Psychiatric Hospitals (2008),

(continued...)

The New Jersey Department of Community Affairs ("DCA"), the parent agency of COAH, recently released its 2011 Draft Consolidated Plan, which lists affordable housing for people with special needs as one of its nine (9) housing and community development goals.¹³ SNa89; SNa171-82. Data compiled by DCA on people with special needs shows that 866,586 New Jersey residents fit the Census Bureau's definition of persons having disabilities.¹⁴ SNa111-16. Homelessness is also identified as a significant problem in New Jersey, with 8,493 homeless households being reported.¹⁵ SNa117-22. One of the leading causes of homelessness is the lack of affordable housing.¹⁶ SNa118.

The New Jersey legislative and executive branches have also recognized the great need for special needs housing by adopting the Special Needs Housing Trust Fund. The purpose of the Special Needs Housing Trust Fund is to provide capital funding for projects that create new affordable housing opportunities for special needs populations, especially people with mental

(...continued)

[http://www.state.nj.us/humanservices/dmhs/olmstead/CEPP Plan 1 23 08 FINAL.pdf](http://www.state.nj.us/humanservices/dmhs/olmstead/CEPP_Plan_1_23_08_FINAL.pdf).

¹³ State of New Jersey Draft 2011 Consolidated Plan at 5, 87-97 (Dep't of Comm. Servs., 2011).

¹⁴ Id. at 27-32.

¹⁵ Id. at 33-38.

¹⁶ Id. at 34.

illnesses. N.J.S.A. 55:14K-7.2. The Special Needs Housing Trust Fund findings highlight the State's housing policy priority afforded to people with special needs:

(1) The State of New Jersey has the responsibility of providing for and assuring the continued operation of safe and humane residences for individuals who require supportive housing or extended care in a community residence;

(2) The State of New Jersey requires additional funding to continue efforts to create permanent supportive housing and community residences as alternatives to institutionalization or homelessness for those who would benefit from these programs;

(3) The State of New Jersey requires immediate programs: (i) to create additional units of permanent supportive housing and community residences through new construction or substantial rehabilitation; and (ii) to support community grants and loans to develop and ensure the long-term viability of such housing and residential opportunities for individuals with special needs with priority given to individuals with mental illness;

(4) Implementation of these programs will be a substantial step toward meeting the immediate and critical need of the people of New Jersey, will substantially further the public interest, and can most economically be financed through a bond issue; * * *
N.J.S.A. 34:1B-21.25(a).

Note that while the Special Needs Housing Trust Fund provides funding, it does not do anything to address zoning or other

barriers to organizations trying to use the funds for special needs affordable housing.¹⁷ SNa155-58; SNa185-191.

Notwithstanding the State's statutory housing policy, New Jersey still suffers from an acute shortage of affordable supportive housing for people with special needs. Disability Rights New Jersey ("DRNJ"), a nonprofit organization advocating and supporting persons with special needs, filed a lawsuit against the State alleging civil rights violations based on the United States Supreme Court's holding in Olmstead v. L.C., 527 U.S. 591 (1999). The Olmstead decision construed the Americans With Disabilities Act to require states to transition qualified individuals with developmental disabilities from institutional facilities into affordable supportive housing settings.¹⁸ SNa225-32. However, the availability and/or production of affordable supportive housing for people with special needs (in New Jersey and elsewhere) is severely lacking:

Because they tend to be poor, people with disabilities often have to rely heavily on housing that is subsidized by federal and state governments. The Olmstead case, therefore constitutes a special call on these resources to bring people with

¹⁷ Draft 2011 Consolidated Plan, supra, note 13 at 71-74, 101-107.

¹⁸ The Olmstead Decision: The Legal Framework, THE NIMBY REPORT: THE OLMSTEAD FACTOR: INTEGRATING HOUSING FOR PEOPLE WITH DISABILITIES at 6-9 (National Low Income Housing Coalition, Spring 2002).

disabilities into the American mainstream... Without adequate housing, however, states will soon find they cannot meet the Olmstead mandate to avoid unnecessary institutionalization. These states have already been sued on these broader claims, and all states will face this potential liability as more and more people seek to move from state hospitals, nursing homes and other institutions.¹⁹ SNa227; SNa233-236.

Such is the case with New Jersey's attempt to comply with the Olmstead mandate. In its pending lawsuit, the DRNJ points to a waiting list of over 8,000 people with developmental disabilities that have been waiting too long to move from state institutions into affordable supportive housing projects.²⁰ See DRNJ v. Velez, D.N.J. Docket No. 08-CV-01858 (AET) (challenging New Jersey's developmentally disabled institutional population's lengthy waiting list for services); DRNJ v. Velez, D.N.J. Docket No. 05-CV-04723 (AET) (Olmstead litigation challenging New Jersey's developmentally disabled institutional population); SNa252-61. Recently, the United States Justice Department filed an amicus curiae brief against the State of New Jersey in DRNJ's litigation stating that "New Jersey's placement from institutions to supportive housing settings has slowed to a

¹⁹ Id. at 8, 14-17.

²⁰ DRNJ Litigation, DRNJ Sues State Over Division of Developmental Disabilities Residential Waiting List, 1-10 (website last accessed June 13, 2011).

trickle, with new admissions largely being placed in institutions.”²¹ SNa262; SNa264-301.

Thus, people with special needs are an important part of the overall lower-income housing need recognized in Mount Laurel. But while State and Federal policies support the provision of affordable special needs housing, the mechanism to create such housing has stalled due to COAH’s delay and the implementation of growth share.

B. PEOPLE WITH SPECIAL NEEDS HAVE BENEFITED FROM THE MOUNT LAUREL CASES

Since Mount Laurel I, thousands of New Jersey residents with special needs have been the deserving beneficiaries of affordable housing units created as a result of the Mount Laurel Doctrine. Indeed, the Mount Laurel Doctrine is the main zoning and land use conduit for the implementation of important State housing policies for people with special needs. Over the years, supportive and/or special needs affordable housing mechanisms have been included in numerous municipal fair share plans. The following totals for supportive and/or special needs housing units have been recently updated by COAH:

²¹ U.S. Dep’t of Justice, Briefs Filed In Florida, Illinois And New Jersey To Support The Supreme Court’s Olmstead Decision (May 25, 2011); U.S. Dep’t of Justice, Brief as Amicus Curiae in Support of Plaintiffs’ Motion for Summary Judgment (May 24, 2011).

Completed New Construction: 7,269 (of 60,365 completed new construction or 12.0%)
Proposed Construction: 2,860 (of 49,339 units proposed construction or 5.8%)
Total: 10,129 (of 109,704 total proposed and/or new construction or 9.2%)

SNa29-59.

There are numerous successful affordable special needs housing projects that have been constructed in New Jersey since the Mount Laurel decisions. For example, in the Township of Robbinsville, Project Freedom, Inc.,²² a nonprofit organization that develops and operates barrier-free affordable housing for individuals with disabilities, constructed a 35-unit 100% affordable apartment complex. The project accommodates individuals with a range of severe disabilities.²³ SNa305.

In the Township of Wall, the New Horizons in Autism Special Needs Housing facility received approval in a court judgment as part of the Township's prior round Fair Share Plan. This facility for adult persons with autism contains four (4) bedrooms and is licensed by the New Jersey Division of

²² Project Freedom's website is located at:
<http://www.projectfreedom.org/>

²³ COAH E-News, Substantive Certifications at 4 (October 2009).

Developmental Disabilities. It has been occupied since November 1998.²⁴ SNa311-16.

Likewise, Allies, Inc., a nonprofit agency dedicated to providing affordable housing and supportive services to people with special needs, has until the recent past had great success in building affordable housing in New Jersey. Allies has built 132 bedrooms for people with special needs that have served as COAH credits for 22 municipalities in 17 counties across New Jersey.²⁵ SNa317.

There are many other success stories about integrating affordable special needs housing into communities in past years. However, as set forth in Sections IV.C. through IV.E., infra, there is a significant amount of uncertainty resulting from the combination of the lack of valid Third Round regulations and the growth share methodology. Support from municipalities for the construction of affordable special needs housing has recently stalled, or has simply been replaced with a "wait and see" attitude until it is known what will happen with COAH, the regulations, and even the Mount Laurel obligation.

²⁴ Amended Housing Plan Element & Municipal Fair Share Plan Round III (1999-2018), 12-17 (December 2009), <http://www.wallnj.com/docs/Master Plan Housing Element 2009.pdf>.

²⁵ Allies, Inc. Housing Development website, [Building and Strengthening Communities: AllHomes](#) (last accessed June 13, 2011).

C. IN THE PAST FEW YEARS AFFORDABLE HOUSING BENEFITS TO PEOPLE WITH SPECIAL NEEDS HAVE STALLED AS THE LACK OF A DEFINED OBLIGATION HAS CREATED AN OPENING FOR DISCRIMINATORY LAND USE PRACTICES

Despite the fact that low- and moderate-income people with special needs are a critical part of the need identified in the Mount Laurel cases, and despite all of the gains that have been made since Mount Laurel II with respect to the provision of affordable housing to people with special needs, the production of this housing has recently stalled. As a result, there continues to be a severe lack of affordable housing for those with special needs in New Jersey.

The acute shortage of affordable housing for low- and moderate-income people with special needs is discussed in general terms in Section IV.A., supra. Here we provide the Court with four (4) specific examples of the obstacles that developers of affordable housing for those with special needs are confronting in the current uncertainty, which obstacles can only exacerbate exponentially under COAH's growth share methodology.

The first example occurred in the Village of Ridgewood, New Jersey ("the Village"). The West Bergen Mental Healthcare Center²⁶ ("West Bergen") approached the Village council about expanding an existing special needs group home servicing individuals with Asperger's Syndrome in the Village and

²⁶ See the West Bergen website at: <http://www.westbergen.org/>

replacing it with a larger home. West Bergen is a nonprofit organization that, among other things, provides its special needs clients with a full range of residential housing options and supportive services.

The Village council supported the expanded project, which was subsequently included in the Village's Fair Share Plan and submitted to COAH for approval.²⁷ SNa319-21. However, when it came time to adopt the necessary implementing ordinance outlined in its Fair Share Plan to permit the expanded project, the Village council refused, instead giving in to "not-in-my-back-yard" objections raised by local residents.²⁸ SNa319-20; SNa328-38. Only after West Bergen took legal action, asserting that the COAH plan actually required the home regardless of growth share and the uncertainty, did the Village finally agree to adopt the ordinance amendments needed for the expanded special needs project.²⁹ SNa340-42.

²⁷ Housing Element Of The Village of Ridgewood Master Plan And Fair Share Plan Round, 7-8 (December 16, 2008), <http://www.nj.gov/dca/affiliates/coah/reports/petitions/0251a.pdf>.

²⁸ James Kleimann, Council Preview: West Bergen Project Back in Spotlight (Ridgewood Patch, May 25, 2011); South Broad Street Neighbors Rally to Stop Proposed Mental Health Care Residence - Huge Political Victory for Deputy Mayor Keith Killion (August 13, 2009).

²⁹ Id.

Another case in point took place in Carneys Point, New Jersey, where the Township solicited a developer for the construction of a 100% affordable rental project consisting of 88 units for veterans with special needs (the "Veteran's Project") and included the Veteran's Project in its Fair Share Plan submitted to COAH.³⁰ SNa348-49; SNa358-60. Thereafter, the Township refused to cooperate with the developer on financing, development approvals, or construction of the Veteran's Project. The Veteran's Project developer has since filed a builder's remedy lawsuit to force the Township to proceed with the Veteran's Project. Tri-County Real Estate Maintenance Co., Inc. v. Tp. Of Carneys Point, New Jersey Superior Court, Docket No. SLM-L-00022-11. In defending the lawsuit, the Township is taking the position that the affordable housing obligations are flawed and unfair to the Township, and it therefore does not need, nor want, the Veteran's Project to be constructed.³¹ SNa350-51; SNa361-362.

Another example is the Township of Pennsville, New Jersey. In 2006, the Township submitted its Housing Element and Fair

³⁰ Master Plan Housing Element and Fair Share Plan, 16-18 (January 12, 2010), <http://www.nj.gov/dca/affiliates/coah/reports/petitions/1713a.pdf>.

³¹ Michael Williams, Carneys Point Files Lawsuit Over Halt Of Proposed Affordable Housing Development, (Today's Sunbeam, April 14, 2011).

Share Plan to COAH for approval, including in that Plan an existing, 100% municipally-sponsored affordable development consisting of 101 units of low- and moderate-income primarily senior rental units but with fourteen (14) non-age restricted units set aside for adults with disabilities (the "Kent Avenue Complex"). See generally SNa375-96; SNa413-30; SNa449-57. COAH ultimately approved Pennsville's Plan. See generally SNa485-518.

Thereafter, the Township's zoning officer sent letters to the manager of the Kent Avenue Complex inquiring about the "types" of tenants located onsite and demanding confidential information about the tenants' mental health status. SNa519. The Township's solicitor sent a letter stating that due to complaints about the project's "young, rowdy" tenants, the Township's Committee had preliminarily concluded that the tenants were not low-income seniors authorized under land use board resolutions of approval and developer's agreement. The solicitor also asserted that the owner could not rely on COAH's Third-Round substantive certification allowing the fourteen (14) non-age restricted units for adults with special needs because the certification was "lost" as a result of the Appellate Division's October 8, 2010 decision. SNa520.

In response to these letters, the owner of the Kent Avenue Complex outlined various discriminatory statements made by Pennsville's officials about the Kent Avenue Complex tenants and

noted that the project was partially funded through the New Jersey Housing and Mortgage Finance Agency under the Special Needs Housing Trust Fund. SNa521-25. Only then did Pennsville back away from its demands.

More recently, a group home being constructed for ARC of Hunterdon County ("ARC") on behalf of four (4) women with physical disabilities encountered community opposition.³² SNa569-74. ARC is a nonprofit organization that provides affordable supportive housing to people with special needs.³³ The ARC project in Raritan Township, New Jersey is included in the Township's Fair Share Plan. SNa569-70.

At issue is a 50-year deed restriction that provides that the property will continue to be available for low- and moderate-income people with special needs for 50 years. According to news reports, local residents have hired an attorney to seek to narrow the definition of "disabled" as contained in the deed restriction so as to exclude those with

³² Teresa Fasanello, Neighbors Don't Want Arc Home For Disabled In Their Raritan Twp. Neighborhood (Hunterdon Democrat, April 20, 2011); Letter to the Editor, Raritan Twp. Resident Objects To The Conditional Use Zoning, Not The Proposed ARC Residents, (Hunterdon Democrat, May 12, 2011).

³³ The ARC website is located at: <http://www.archunterdon.org/>

mental illnesses, because they "do not want mentally ill people living there."³⁴ SNa573-74.

These individual instances all reflect a broader trend: uncertainty about whether a municipality has a firm obligation to allow housing for people with special needs creates an opening for discrimination against people with special needs of the type described anecdotally above.

In its New Jersey Fair Housing Report, published in April 2008, the New Jersey Division on Civil Rights reported that more than 40% of the housing discrimination claims received involve people with special needs:

The factors influencing the increased number of housing complaints received have also affected the bases of the housing discrimination complaints received by the Division. While prior to 2002, the predominant alleged bases of housing complaints had been race and national origin, the past several years have seen an increase in the number of complaints alleging discrimination based on disability, source of income and familial status. * * *

In the past three years, the number of disability related discrimination cases have grown to represent more than 40% of the Division's housing cases. This mirrors the trend at HUD, which now also reports disability discrimination as the most frequent basis for its housing

³⁴ Teresa Fasanello, Neighbors Hire Attorney To Dispute Arc Home For Disabled In Their Raritan Twp. Development (Hunterdon Democrat, June 9, 2011).

discrimination complaints under the Fair Housing Act.³⁵ SNa576.

The experience in New Jersey mirrors recent national findings of extensive discrimination against people with special needs.³⁶ SNa578-95; SNa597. The U.S. Department of Housing and Urban Development recently found that "adverse treatment against persons with disabilities occurs even more often than adverse treatment of African American or Hispanic renters."³⁷ SNa577a.

Because of this pervasive discrimination against people with special needs, clear checks on municipal discretion over the creation of affordable housing are a necessity.

³⁵ NEW JERSEY FAIR HOUSING REPORT: Housing Discrimination Enforcement and Initiatives in 2007, at 1 (N.J. Attorney General's Office 2007), <http://www.nj.gov/oag/dcr/downloads/Fair-Housing-Report-2007.pdf>; The Urban Institute, Discrimination Against Persons with Disabilities: Barriers at Every Step at 2 (Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2005), <http://www.hud.gov/offices/fheo/library/dss-download.pdf>.

³⁶ Reconstructing Fair Housing at 61 (National Council on Disability, November 6, 2001), http://www.novoco.com/low_income_housing/resource_files/research_center/NCD_fairhousing.pdf; The Urban Institute, supra, note 35 at 35-52; Cooper, supra, note 8 at 2-3; Draft 2011 Consolidated Plan, supra, note 13 at 71-72.

³⁷ The Urban Institute, supra, note 35 at 2; Reconstructing Fair Housing, supra, note 36 at 61.

D. COAH'S DELAY AND SUBSEQUENT AND PREVAILING UNCERTAINTY HAVE RESULTED IN A DE FACTO MORATORIUM ON MOUNT LAUREL IMPLEMENTATION AND COMPLIANCE

As the examples above demonstrate, a de facto moratorium on affordable special needs housing has occurred in much of the state for two (2) reasons: (1) the uncertainty of the Mount Laurel obligation resulting from the lack of valid Third Round regulations and recent overtures from the legislative and executive branches; and (2) the ongoing delay by COAH and municipalities in the implementation and enforcement of the obligation. This state of ongoing uncertainty is detrimental to the production of housing for people with special needs and requires a clear remedy that provides certainty.

In Mount Laurel II, this Court recognized the difficulty in realizing the obligation when there is uncertainty as to the obligation:

Litigation that at its conclusion leaves everyone in doubt as to just what the constitutional obligation was and just how it was complied with has, in the aggregate, the effect of leaving the constitutional obligation itself in doubt. Until the regions of New Jersey, their present and prospective lower income housing needs, and the allocation of those needs among all of the municipalities of the state charged with the Mount Laurel obligation are determined, uncertainty will prevail, and the weakness of the constitutional doctrine will continue. We intend today to begin a process aimed at ultimately eliminating the uncertainty that surrounds these issues. Id. at 252-53.

The Act is, by its own terms, a mechanism to end that uncertainty and assure affordable housing opportunities for low- and moderate-income families by defining the extent of municipal fair share and ensuring that municipalities can meet this fair share. N.J.S.A. 52:27D-302 and -303. Indeed, COAH exists for the sole purpose of carrying out this statutory purpose. To the extent that the statute provides protections for municipalities, it does so only for those municipalities that are, in fact, creating sufficient realistic opportunities for construction of safe, decent housing that is affordable to low- and moderate-income people to satisfy their fair share of the regional need. N.J.S.A. 52:27D-314.

As the Supreme Court declared in Mount Laurel II, municipal housing obligations aggregate year-by-year and must be satisfied year-by-year. 92 N.J. at 219. This holding sets the general constitutional standard that obligations inexorably accrue and must be met every year. There are no vacations or deferments; nor does the Act provide authorization or justification for any delay in municipal compliance. See N.J.S.A. 52:27D-307, -308, and -309.

The de facto moratorium on approval of special needs housing by municipalities violates both the express mandate of the Constitution, as construed by the Mount Laurel decisions and the Act. As demonstrated in Section IV.C., the practical impact

of this moratorium is that municipal officials refuse to go forward with previously supported affordable special needs housing and give in to political pressures by residents who do not want special needs housing in the community. Ridgewood is a prime example, where residents turned out in force to voice strong objections to having a "mental health care outpatient residence located in their culturally significant neighborhood."³⁸ SNa331. Calling the defeat of the permitting ordinance a political victory for the Mayor, The Ridgewood Blog hailed that "[i]t was a great day for Ridgewood."³⁹ SNa332.

The need for critical affordable special needs housing cannot be overstated.⁴⁰ SNa75-76; SNa83a; SNa89; SNa111-22. Yet, special needs housing providers and advocates are stymied on moving forward on future projects because they are waiting to see what will happen with their Mount Laurel obligation. This makes implementation of valid Third Round regulations within a short time period a critical necessity for providing a realistic opportunity for affordable housing.

³⁸ South Broad Street Neighbors Rally, supra, note 28.

³⁹ Id.

⁴⁰ Allen, supra, note 6 at 518-19; Cooper, supra, note 8; Draft 2011 Consolidated Plan, supra, note 13 at 5, 27-38.

E. THE GROWTH SHARE METHODOLOGY IS A DETERRENT TO CREATING SPECIAL NEEDS HOUSING OPPORTUNITIES

Unfortunately, if the implementation of those updated Third Round regulations includes growth share once again, as some petitioners urge, then uncertainty and municipal resistance to special needs housing will continue. If the municipal discretion permitted under growth share is not eliminated, then the harmful causes and effects outlined in Sections IV.C. and IV.D. above will continue, and in fact would likely increase dramatically. No amount of housing funding for people with special needs will result in affordable housing in many New Jersey communities, and neither the State's objectives in the Special Needs Housing Trust Fund nor the Mount Laurel Doctrine would be realized.

In its well-reasoned decision, the Appellate Division applied the relevant legal precedent in determining that the growth share methodology was invalid. In re Adoption of N.J.A.C. 5:96 and 5:97, supra, 416 N.J. Super. at 478-83. This conclusion is grounded in the Mount Laurel II decision, where this Court held that municipalities cannot be allowed to determine their constitutional obligation based upon whether or not they intend to grow:

What is required is the precision of a specific area and a specific number. They are required not because we think scientific accuracy is possible, but because we believe the requirement is most likely to achieve the goals of Mount Laurel.

While it would be simpler in these cases to calculate a municipality's fair share by determining its own probable future population (or some variant thereof), such a method would not be consistent with the constitutional obligation (although it is a factor that could be considered in a fair share calculation in the absence of other proof). Municipal population projections are based on many factors, but in no case that we know of do they include a value judgment that such municipality should bear its fair share of the region's lower income housing need. In fact, in most cases, we believe, one of the factors necessarily involved in such municipal population projections is the prior and probable future effect of the municipality's exclusionary zoning. If, because of that exclusionary zoning, a suburban municipality with substantial developable land has a very, very small probable growth as shown by the most reliable population projections (resulting in part from its very small past growth caused by exclusionary zoning), it should not be allowed to evade its obligation by basing its fair share of the lower income housing need on that small projected population growth. On the other hand, when that municipality is considered as part of the region and the region's population growth is projected, a value judgment is made, based upon the Mount Laurel obligation, that may result in a substantially greater fair share for that municipality and indeed may have the effect of changing what would otherwise be the population projection for that municipality.

Mount Laurel II, 92 N.J. 257-58 (emphasis added).

Growth share inherently creates a state of continuous uncertainty for those trying to provide housing for people with special needs. For example, without a fixed fair share

obligation that the Village of Ridgewood knows it must address, Ridgewood could decide without penalty to purposely exclude the project for people with Asperger's Syndrome simply by choosing not to grow. In other words, there is absolutely no incentive for Ridgewood to approve a special needs project if there is no fixed obligation or to go forward with it once approved.

Similarly problematic for developers of special needs housing under growth share is the inherent complexity and time-consuming processes required to develop special needs housing. It takes years for a special needs developer to obtain the appropriate development approvals and state certifications, to acquire funding from various federal, state, local and private financial sources, and to partner with various service providers for the intended clients with special needs. Often years are invested before any plans go before municipal land use boards for approval. These long lead times could easily run afoul of a municipality's sudden decision to no longer support a special needs housing project.

Carneys Point is a good example of why the growth share model will not work for special needs housing development. The developer for the Veteran's Project in Carneys Point worked with the Township for over a year negotiating the redevelopment plan, a redevelopment agreement, and a PILOT agreement, securing financing, and making overall preparations for the eventual

construction of the Veteran's Project. SNa343-56. Despite the length of time and the developer's good faith efforts to address Carneys Point's obligation under the Second Round, the Township unilaterally decided it no longer supported the Veteran's Project. Id.

If growth share is allowed, similar stories will play out all over the state. A municipality that included a development for people with special needs in its Fair Share Plan, and then experienced slower growth than expected, could tell the developer of special needs housing that its site is no longer needed. This would quickly have a chilling effect on special needs development because a developer of special needs housing, like any developer, does not have the time or money to invest in planning and seeking funds for a site if it can then be told that its development is not, in fact, needed. No reasonable developer of special needs housing can afford to be "on hold" for years just in case a municipality might need its development. This is exactly the type of "uncertainty" that Mount Laurel II, supra, 92 N.J. at 252-53, warned of as fatal to actually providing a realistic opportunity for affordable housing.

If the municipal discretion permitted under growth share is not eliminated, then this Court is sanctioning the ongoing de facto moratorium on the development of affordable supportive

housing across the state. The consequence will be that many people with special needs will remain institutionalized, in housing that is unsafe or overcrowded, or in homes they cannot afford without giving up other basic necessities.

F. THE APPELLATE DIVISION'S DECISION TO REQUIRE THE USE OF PRIOR ROUND METHODOLOGIES IS APPROPRIATE

The Appellate Division fashioned a remedy that would require COAH to adopt regulations using a methodology similar to the one announced in AMG Realty Co. v. Warren Tp., 207 N.J. Super. 388, 406 (Law Div. 1984), and successfully implemented in prior rounds. In re Adoption of N.J.A.C. 5:96 and 5:97, supra, 416 N.J. Super. at 473. Indeed, it is not remarkable for this Court to enforce the Mount Laurel cases by requiring COAH to adopt a methodology similar to the methodology previously adopted by the courts, and used in the prior rounds. This Court in Mount Laurel II confirmed its commitment to enforce the Constitution when it comes to affordable housing. 92 N.J. 212-13 ("[W]e shall continue--until the Legislature acts--to do our best to uphold the constitutional obligation that underlies the Mount Laurel doctrine. That is our duty. We may not build houses, but we do enforce the Constitution."); AMG Realty Co. v. Tp. of Warren, 207 N.J. Super. 388, (Law Div. 1984). In Hills Development Co. v. Tp. of Bernards, 103 N.J. 1, 23 (1986), this court stated:

That is the general outline of how this Act and the Council created by it are intended to operate, and the results they are intended to achieve. It is a description at variance with the prediction of some who oppose the Act. Our opinion and our rulings today, significantly reducing the courts' function in this field, are based on this outline, based, that is, on the Council's ability, through the Act, to approach the results described above. If, however, as predicted by its opponents, the Act, despite the intention behind it, achieves nothing but delay, the judiciary will be forced to resume its appropriate role. (Emphasis added.)

The Appellate Division remedy announced in In re Adoption of N.J.A.C. 5:96 and 5:97, supra, should be upheld because it results in the creation of near-term realistic opportunities for affordable special needs housing as contemplated by Mount Laurel II. See 92 N.J. at 215-216. The Appellate Court's solution to the Third Round addresses the key impediments to affordable special needs housing: (a) it fixes a certain obligation that municipalities know they will need to address; and (b) it will end the delay in production of affordable special needs housing more quickly. The allocation of an actual number for a municipality's obligation will put providers and advocates of special needs housing in the position to plan, finance and construct critical affordable housing for their constituency and will return to a methodology that successfully produced over 7,000 homes for people with special needs.

Accordingly, the Supportive Housing Providers urge this Court to affirm the Appellate Division's direction to COAH to use the methodologies implemented by COAH in prior rounds.

V. CONCLUSION

For all of the reasons set forth above, the Supportive Housing Providers respectfully request this Court to affirm the Appellate Division's decision below.

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