

Network Urges Court to Invalidate Christie's COAH Plan □

Asserts that Reorganization is in Violation of Fair Housing Act

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The Housing and Community Development Network of New Jersey (the Network), the Corporation for Supportive Housing (CSH), and the Mercer Alliance to End Homelessness (the Alliance) today filed an amicus brief with the Appellate Division requesting that the Court invalidate Governor Christie's Council on Affordable Housing (COAH) reorganization plan.

Last June, Gov. Christie issued an executive order that transferred the functions and duties of COAH to the Department of Community Affairs (DCA). The Executive Order has already been challenged in court by Fair Share Housing Center. The amicus brief is the latest action by nonprofit developers, who argue that shifting COAH from an independent agency to one controlled by the executive branch "unconstitutionally consolidates power."

"Unfortunately, not every community is interested in assuring fair access to housing for all segments of the population in all stages of life," said Raymond Ocasio, President of HCDNNJ's Board of Directors and Director of La Casa de Don Pedro, a community development corporation in Newark. "COAH has significance to all residents throughout New Jersey; consequently it should ensure that fairness and accessibility are enjoyed by all of us. Only an independent and diverse representative body making informed decisions that are not subject to either political winds or narrowly defined local interests can do this."

Since 1986, COAH has been charged with the implementation and oversight of the constitutionally mandated requirement of every municipality in this State when exercising the zoning power. Up until the governor's reorganization, there were a total of twelve seats on the COAH board, two of those represented the needs of low and moderate income housing.

"It is not surprising that Gov. Christie wants to eliminate the voices of the nonprofit builders from being heard," said the Rev. Dr. Elizabeth S. Hall, president of Homeless Solutions, Inc. and Network executive board member. "He is unable, or unwilling, to see the expertise, holistic approach and the great homes that nonprofit developers bring to the low, moderate and special needs communities in New Jersey."

"The Mt. Laurel doctrine decrees that towns create zoning plans that allow for all income levels in a town," said Herb Levine, executive director of the Alliance. "The best way to protect the interest of low income people is to mandate the presence of nonprofit agency members in any state mechanism that oversees the creation of homes people can afford. This is not possible under the current arrangement through DCA."

The amicus brief charges that by transferring COAH responsibilities to the DCA Commissioner, the governor becomes the sole, exclusive and absolute arbiter of affordable housing compliance; the public would be shut out of decision making which would happen behind closed doors. Without a provision for the interplay of a diverse array of views and perspectives, such as those offered by nonprofit and special needs developers, compliance with the Mt. Laurel

obligation would be lacking. Further, the brief asserts that the Executive Order violates the separation of powers between branches of government as well as the Fair Housing Act.

To read the amicus brief in full, [click here](#) . To learn more about the Network, visit www.hcdnnj.org

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