



July 15, 2008

**Statement of the Honorable Robert L. Bowser,
Mayor, City of East Orange
President, New Jersey State League of Municipalities**

Good morning and thank you for joining us today.

I am Robert Bowser, Mayor of the City of East Orange and President of the New Jersey State League of Municipalities.

Today, the League filed a notice of appeal with the Appellate Division of the Superior Court of New Jersey appealing the regulations adopted by the New Jersey Council on Affordable Housing on June 2 of this year.

In addition to Mayors and local leaders from across the State, I am joined by Edward J. Buzak, Esq. of The Buzak Law Group and Assistant General Counsel of the League. Mr. Buzak is heading up the League's appeal. I will introduce him in a moment to provide a brief summary of the issues on which we base our appeal.

Before that, however, I want to address any misconceptions about the League or our actions today.

One, the League of Municipalities supports the provision and purpose of affordable housing. Our actions today are not meant to hinder the production of affordable housing. On the contrary, the local leaders here today can testify to the hard work that they and their colleagues do to make their communities affordable.

We support affordable housing. We support sound planning, the State Plan and Home Rule. And we believe none of these are mutually exclusive.

We oppose regulations that oppose Home Rule; undermine sound planning; the State Plan and other planning initiatives, such as the Highlands Act.

That's why we oppose the COAH regulations.

Second, our actions today have nothing to do with the recent passage of legislation that eliminated regional contribution agreements and implemented a commercial development fee.

While we were outspoken with our concerns about A-500, the legislation has passed and we have every reason to believe that the Governor will sign it. Today's actions are completely independent of the approval of the legislation. If the Legislature had not approved A-500, we would still be here today.

What we are challenging is the validity of the COAH regulations. This is an administrative challenge, not a legislative one.

We have provided to you a handout, highlighting the “Seven Fatal Flaws” of the COAH regulations. This handout is a brief summary, not exhaustive by any means, of the shortcomings of the regulations.

The League notified its membership on April 18 that we were preparing for a possible challenge, and that we would seek pledges to fund such an effort. On June 18, the League Executive approved the challenge. On July 1, we began our collection of such pledges. To date, 169 municipalities have pledged to these efforts. We expect dozens more to join in the upcoming weeks and months.

Additionally, we recognize that we will not be the only challenger to these regulations. We anticipate other small groups of local governments to file their own challenges, as well as representatives of the development community and housing advocates.

We take this action today in support of achieving a sustainable affordable housing policy and in defense of our property taxpayers. We hope that the end result will be a methodology that encourages the participation of local governments, accommodates and promotes the development of affordable housing and does so in a manner consistent with local and State planning efforts

Ladies and Gentlemen, let me introduce Ed Buzak, the League’s Counsel in this matter.