

Dear Residents,

I am sending this special email today because I am deeply concerned about proposed legislation, A4/S50, which will abolish COAH and drastically reform municipal responsibilities concerning affordable housing. The Bill has been approved by the Assembly and the Senate is tentatively scheduled to vote on **Monday, March 18th**. If the New Jersey Senate passes Bill S50 on Monday, the Governor has said he will sign the Bill into law.

This Bill has far-reaching implications for our community, lessening our municipality's sovereignty over zoning laws, will increase our litigation expenses, and threatens our immunity from litigation, despite having received a Court's approval to our third-round Affordable Housing obligation. I want to highlight for you the potential consequences and urge you to send, before Monday's vote, your objection to A4/S50 to your legislators and the Governor. A link to their emails is at the end of my email.

Some of the substantive and devastating changes proposed in the Legislation are listed below.

- Imposes a compliance methodology with penalties for towns, without first calculating and understanding the affordable housing numbers required for any town. Run the numbers first, evaluate the results and then create a functional and fair methodology. The Bill provides that DCA - The Department of Community Affairs - will run the numbers in December and then we are required to agree to the number in January, even if we have proven that we have insufficient land [vacant land adjustment] to address its number.
- Accepted affordable housing numbers are subject to change, even after acceptance by the Borough and DCA.
- Unequal representation in the decision-making bodies among housing advocates, municipalities, and political parties.
- A lack of transparency for proposed affordable housing regulations and Municipal obligations.
- Shifting affordable housing accountability from developers to municipalities.
- Likely increased litigation costs.
- Reliance on an untested formula to determine affordable housing allowance numbers.
- Will expose municipalities to risk of loss of immunity if several of the unrealistic and unachievable draconian deadlines are missed. In fact, some of the deadlines have been set for January – just weeks after the Christmas/New Year's holidays and when most Boroughs swear in new Mayors and Council members, who likely will have little or no experience in meeting such harsh draconian deadlines.
- Undefined "interested parties" are given standing to challenge Demarest's **approved** affordable housing plan creating substantial uncertainty and unnecessary litigation expense for our town.

The legislation seems to be a "one size fits all" approach, creates unrealistic obligations for our town, does not allow for fully developed towns such as Demarest to make sensible decisions on future development to protect our residents and their property, and will unjustly expose Demarest to Builder's Remedy suits and thrust Demarest into unnecessary litigation and uncertainty. The legislation's intent and requirements must be amended to achieve fairness, stability, transparency, and protection for municipalities. Unfortunately, A4/S50 fails to meet these simple, rational and reasonable benchmarks.

Any legislation must also include provisions that allow the local governments to prioritize the needs of their own senior citizens, individuals with disabilities, veterans, and lower-income residents. This will allow us to help provide housing for those most in need within our own communities while also offering those within our region who may be seeking affordable housing opportunities in Demarest. Indeed, it is essential to provide our seniors with continuity, affordable housing and continued access to their friends and community. The proposed legislation does not serve our seniors, individuals with disabilities, veterans or lower-income residents.

While I believe providing affordable housing opportunity and options is critical to the well-being of any community such initiatives must be carefully instituted to provide appropriate housing options that comport with the unique characteristics and character of each community. The Borough of Demarest has met its third-round obligation; however, the vague language of the proposed legislation threatens an open-ended interpretation that will make it difficult and

expensive for Demarest to comply in the future. The proposed legislation will not only create uncertainty and litigation, but it will also cause municipalities, like Demarest, to increase their budgets for years to deal with the vague, complex and defective legislation.

I urge you to reach out to our legislators and Governor and implore them to take a careful look at this proposed bill and make sure it is not accepted as a one size fits all model that will not serve our community. While the affordable housing system and administration needs reform, this rushed legislation does not provide needed reform but will serve to hurt towns like Demarest.

To send a message to our District 39 Legislators, Senator Holly Schepisi, Assemblyman Robert Auth and Assemblyman John Azzariti, [click here](#).

To send a message to Governor Phil Murphy [click here](#).

The sponsors of the bill in the NJ Senate are Senator Troy Singleton (click [here](#) to reach Senator Singleton) and Senator Nicholas P. Scutari (click [here](#) to reach Senator Scutari)

Thank you.

Brian K. Bernstein, Mayor

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