

COURT HOLDS LEAGUE OF MUNICIPALITIES MUST COMPLY WITH OPEN PUBLIC RECORDS ACT

Court Rejects League's Argument that It Is Not a "Public Agency" and Orders It to Make Records Publicly Available

August 23, 2011 - Trenton- The New Jersey Supreme Court today issued a decision that requires the New Jersey League of Municipalities to comply with the state's Open Public Records Act (OPRA). The decision was issued in response to an appeal filed by the Fair Share Housing Center.

"Today's decision requires the League of Municipalities, at long last, to operate in the sunshine," Fair Share Housing Center attorney Kevin D. Walsh said. "The Court rejected the League's contention that every one of New Jersey's mayors can join together to do business, lobby the Legislature, and spend taxpayer funds out of the public eye. We look forward to the League opening its records and its books so we can see how taxpayer money is spent.

Two previous courts ruled against FSHC. The trial court ruled that the League of Municipalities was not a "public agency." The Appellate Division found that the League did not provide a governmental service such as maintaining roads.

The Supreme Court noted that employees of the League receive public pensions, its governing board consists of municipal elected officials, and it is financed in part by public funds. These determinations, combined with the Legislature's express intent for OPRA to broadly promote open government, led the Court to rule for FSHC. The Court noted that the League's construction of OPRA would lead to an "absurd result" in which the League could be a public body but none of its records would be publicly available.

Fair Share Housing Center, founded in 1975 is based in Cherry Hill. It is the only public interest organization devoted entirely to defending the housing rights of New Jersey's poor through implementing the Mount Laurel doctrine, which requires that each municipality provides its fair share of housing affordable to low- and moderate-income people.

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