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COURT CHALLENGE TO CHRISTIE'S MCGREEVEY MOMENT

Political Posturing Will Stop Creation of Homes and Jobs; Same Ploy to Kill State's Housing Policies Tried in 2002 and Failed

Feb. 9, 2010 - Trenton, New Jersey- Fair Share Housing Center has filed a request with the Appellate Division of the New Jersey Superior Court to schedule a hearing on Governor Christie's executive order placing an indefinite hold on the state's housing policies. It noted that the executive order puts 45,000 new homes and hundreds of thousands of jobs at risk. Christie's action mimics an early initiative by the McGreevey Administration which became an embarrassing failure and was struck down by the courts.

"Gov. Christie's indefinite freeze on New Jersey's housing policy puts thousands of homes — and jobs — at risk at a time when the low-cost housing sector is the strongest part of the real estate market," Peter J. O'Connor, Esq., Executive Director of Fair Share Housing Center said. "We are filing an appeal of the Governor's illegal actions today, which are contrary to our State Constitution, in order to ensure that we do not lose much-needed homes and jobs."

Non-profit, for-profit, and special needs builders spanning the state from Summit to Manalapan to Haddonfield are ready to put shovels in the ground this year to create new homes and jobs. However, the uncertainty created by Gov. Christie's executive order will likely kill these jobs and stop much-needed entry level homes from being built.

In 2002, recently elected Gov. Jim McGreevey pursued a similar policy of placing the state's housing policies on indefinite hold (see chronology on next page). The Appellate Division of the New Jersey Superior Court struck down Gov. McGreevey's policy as creating a "dramatic and inexplicable" delay in enforcing the state's laws, and ordered the McGreevey Administration to proceed with carrying out the state's legislative and constitutional requirements for low- and moderate-income housing.

After three years of litigation over further delay tactics by the McGreevey Administration, the Appellate Division ordered the state government to adopt new housing regulations, which are the regulations that the Christie Administration now seeks to stall.

"Gov. Christie wants to give towns the keys to exclude — through stopping groups like Habitat for Humanity and special needs housing developers from building entry-level homes on land that they own," Kevin Walsh, Associate Director of Fair Share Housing Center, said. "We are challenging Gov. Christie's actions today because he seeks further delay on top of delay stretching a decade that courts have already found invalid. As a former prosecutor, Gov. Christie should know that the government has a duty to carry out the law as it is — not to make it up as it goes along."

Fair Share Housing Center, founded in 1975, is the only public interest organization devoted entirely to defending the housing rights of New Jersey's poor through implementing the Mount Laurel doctrine.

Chronology: Delay from McGreevey to Christie in Enforcing New Jersey's Housing Laws

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1999	Third Round COAH rules originally due; COAH announces it is delaying the rules to wait for results of 2000 Census.
2002	McGreevey Administration places hold on COAH rules. Several groups challenge in court.
2004	Court orders COAH to adopt rules, calling delay "dramatic and inexplicable." COAH adopts new rules cutting municipalities' housing obligations in half. Three members of COAH's Board call rules unconstitutional and are then replaced by Gov. McGreevey.
January 2007	Appellate Division invalidates COAH's rules as unconstitutional, and orders COAH to publish constitutional rules within six months.
July 2007	COAH misses six month deadline. Asks for extension until March 2008; court grants extension until December 2007.
December 2007	COAH adopts rules and sets staggered deadlines for filing plans between September and December 2008.
June 2008	COAH extends deadline for towns to submit plans to December 31, 2008.
Aug.-Oct. 2008	New Jersey League of Municipalities moves for stay of December deadline. COAH and Appellate Division denies stay.
Dec. 2008	Over 250 municipalities submit Third Round fair share plans for over 42,000 low- and moderate-income and special needs homes.
Jan. 2009-Jan. 2010	COAH more rapidly processes plans than at any point in its history, approving 57 in the first year and completing review of all plans. Plans to build tens of thousands of new homes move forward.
Feb. 2010	Gov. Christie signs Executive Order halting COAH process indefinitely in violation of court orders and adopted laws.

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