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SEN. LESNIAK CAN'T HAVE IT BOTH WAYS ON HOUSING

Lesniak law firm argues for homes that Lesniak legislation would stop from getting built

November 15, 2010 – Elizabeth, New Jersey- Today, in a Union County courtroom, Sen. Raymond Lesniak's (D-Union) law firm is asking a judge to approve a development of 163 homes that would, under Sen. Lesniak's new housing bill, be deemed unnecessary.

Sen. Lesniak's law firm represents Lehigh Acquisition Corp., the owner of a five-acre site in Cranford Township that sued Cranford in exclusionary zoning litigation. Today, his law firm is asking a judge to approve development of 163 new apartments, including 24 homes affordable to working families making under \$70,000 per year. However, if Sen. Lesniak's legislation were passed, such developments would no longer be required.

"What's good for the goose is good for the gander." Fair Share Housing Center Staff Attorney Kevin D. Walsh said. "The senator's client will make money and build much needed housing. There's nothing wrong with that, but Sen. Lesniak is trying to dismantle the very thing that he's taking advantage of in this case. We find the court case hard to reconcile with Sen. Lesniak's proposed legislation stating that such developments are not needed in the future. The senator's actions prove that even the current approach is better than the legislation he is pushing."

"It is my hope that Senator Lesniak will change his bill to include a clear requirement for all municipalities to plan for, refurbish or build homes people can afford at all income levels," said Lorraine Wearley, a 25 year resident of Union County and Chair of the Affordable Housing Task Force at the Unitarian Church in Summit. "In particular, non-profits should be allowed the rezoning needed to build or refurbish homes for low-income families and people with special needs — much as Sen. Lesniak's clients are getting that rezoning in this litigation.

The development being considered in court today, before the Hon. Lisa F. Crystal in Elizabeth, would create 163 new apartments on a dilapidated site in need of redevelopment in Cranford. 24 of those homes would be for families earning less than \$70,000 a year. Fair Share Housing Center characterized the development as a win-win: the Township gets to redevelop a troubled property, and 163 working- and middle-class families will be able to rent new apartments.

However, such a development would have never happened under proposed A-3447/S-1, Sen. Lesniak's housing "reform" legislation that violates the *Mount Laurel* doctrine. The legislation promotes sprawl and not redevelopment, and would have only required 20 homes on the site. That's not enough to make the development marketable, and would result in a loss of jobs and homes. Also, the housing provided would be affordable to a household earning as much as \$132,000 per year and cost as much as \$530,000.

In a demonstration of just how unreasonable his legislation is, Sen. Lesniak has told the press that the Supreme Court's 1983 decision in *Mount Laurel II* is not controlling law that his bill must follow. Yet his law firm cites that decision as a basis for requesting the court to approve its client's plan.

"If Sen. Lesniak's legislation were law, Sen. Lesniak's law firm would have never been able to achieve the success that it has today," Walsh added. "The senator should talk to the lawyers in his own law firm if he wants to understand the law."

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 provide its fair share of housing affordable to low- and moderate-income people.

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