

Ringwood affordable housing

From: Steinhagen, Daniel L.

Sent: Tuesday, September 28, 2021 12:01 PM

To: Scott Heck <sheck@ringwoodnj.net>

Cc:

Subject: Ringwood affordable housing

Scott:

As I mentioned to you when we spoke, it is my strong opinion that Ringwood pursue the settlement it reached with Fair Share Housing Center.

As I mentioned, I do not concur with the assessment that the Highlands regulations trump the constitutional obligation to provide affordable housing. In particular, there are specific references in the Highlands Act and regulations to the provision of affordable housing (and noteworthily, N.J.A.C. 7:38-6.9 specifically references affordable housing opportunities in Ringwood), so if there was no obligation to produce affordable housing in the Highlands, these provisions would not be in the Highland Act and regulations. To be sure, the existence of the Highlands is supposed to be considered in allocating fair share, but that does not mean that the Borough is exempt from providing housing. Jettisoning the settlement and taking this position would likely result in a revocation of immunity and permission for a developer to file a builder's remedy. As far as I know, there have been 3 affordable housing "trials" in some form or another – Princeton/West-Windsor, South Brunswick, and Englewood Cliffs – and none were in the Highlands. The Princeton case addressed the size of the municipal obligation, the South Brunswick case addressed the issue of immunity from builder's remedy suits, and Englewood Cliffs evaluated the municipal compliance plan. In each, the municipal position got crushed at trial, and ultimately, each town ended up settling after an adverse decision. In my opinion, if Ringwood pulled out of the settlement and tried to take the position that the Highlands regulations exempt the Borough from an affordable housing obligation (despite the explicit provisions in the statute and the regulations to the contrary), Ringwood would join the list currently inhabited by Princeton/West-Windsor, South Brunswick and Englewood Cliffs. I cannot tell you in any stronger terms that pursuing this position would likely result in a disaster for the Borough because Ringwood would lose its immunity from builders remedy suits and would then not be able to direct where affordable housing gets developed.

If you would like me to forward this email to the governing body, please send me their email addresses.

Thanks,

WE HAVE MOVED TO OUR NEW OFFICES AT 200 MARKET STREET, SUITE 401, MONTVALE, NEW JERSEY 07645. PLEASE DIRECT ALL CORRESPONDENCE TO BE DELIVERED TO THAT ADDRESS

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