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Brick Takes Up Affordable Housing Fight

New Attorney Will Push For Housing Credits

By Judy Smestad-Nunn



The Chambers Bridge Residence, an apartment complex near Shop Rite, is restricted to low-income seniors and disabled individuals. (Photo by Judy Smestad-Nunn)

BRICK – The township has rescinded a contract with its affordable housing attorney and has appointed a new firm to fight state requirements for an additional 3,000 credits of affordable housing, which would equate to about 1,500 units.

Superior Court Judge Mark Troncone last month sided with Fair Share Housing Center (an advocacy group for New Jersey's poor) in a 28-page decision that said Ocean County municipalities would have to plan for affordable housing for the past 15 years -- known as the "gap period" -- when guidelines set by the Council on Affordable Housing (COAH) were repeatedly challenged in court and the agency was in a state of flux and confusion.

Troncone's decision came after 13 Ocean County municipalities were seeking to scale down their affordable housing requirements. Brick and four other municipalities were represented by the (just rescinded) affordable housing specialist, attorney Jeffrey Surenian & Associates of Brielle.

Last year the State Supreme Court ruled that Superior Court judges would be responsible for overseeing affordable housing obligations instead of COAH.

The number of affordable housing units would be capped at 1,000, including the "present and prospective need" component of a township's

obligation, Troncone ruled. But the 13 municipalities argued that the cap should represent their entire affordable housing obligation, not for just the gap years.

Every town in New Jersey is fighting the affordable housing rules, and there are currently some 565 ongoing individual lawsuits in the state, Mayor John G. Ducey said.

“This is a serious issue facing our town that will affect us now and in the future,” said Ducey at a recent council meeting.

“You want to feel really comfortable with whoever your attorney is, and we weren’t comfortable with the attorney we had. It was my feeling Brick wasn’t being represented up to the standards we expect from our attorney,” he said.



According to COAH rules, a formula caps the amount of credit Brick can receive for this type of existing housing to 23 percent for seniors and 22 percent for developmentally disabled because Brick has too many of each, the mayor said. (Photo by Judy Smestad-Nunn)

After the meeting, Ducey said that Surenian’s approach was to rezone the entirety of Brick to allow for more multi-unit housing.

The township’s new affordable housing attorneys from the law firm of DeCotiis, Fitzpatrick & Cole of Teaneck, has a different approach, Ducey said.

“They are fighting the formula because we don’t have the land for new units. We have fulfilled our quota, and we are against any new affordable housing. We want credit for our existing housing,” he said.

A COAH formula that caps the amount of credit Brick can receive for existing senior citizen and developmentally disabled affordable housing at 23 percent and 22 percent respectively, because the township has too many of each, Ducey explained.

“They are 100 percent people -- the seniors and the developmentally disabled are the most vulnerable population, and they’re saying they don’t count anymore,” he said after the meeting. “Each of those should be at 100 percent. We have enough affordable housing, and we have more than we need if they gave us proper credit. We need the right attorney to fight for us.”

Brick does not have the infrastructure to handle an additional 1,500 units of affordable housing, which would result in more cars on the already overburdened roads, and potentially 6,000 more kids in the schools, he said.

“That’s the part everyone is missing,” Ducey said.

The mayor said that one of his proposals to satisfy affordable housing mandates in town is to use existing Section 8 housing money to buy abandoned property to be designated as affordable housing.

In Ocean County, the 2014 affordable housing income limits for a family of four range from \$27,784 on the very low scale to \$92,614 on the median scale.

The hourly rates for DeCotiis, Fitzpatrick & Cole are \$165 for attorneys, \$125 for law clerks, and \$70 for paralegals and legal assistants.

“We plan on fighting this through the court system and wherever else we have to fight this battle because 3,000 credits is way too much. In fact, one or two is way too much, we have enough,” Ducey said.



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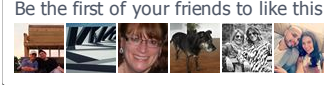
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P.O. Box 521
15 Union Avenue, Lakehurst, NJ 08733
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