

Urban League 1985

11/18

Memo

~~letter~~ informing Urban League (respondents)  
intent / argument

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November 18, 1985

TO: ALL COUNSEL IN URBAN LEAGUE CASES BEFORE THE SUPREME COURT  
FROM: Eric Neisser and John Payne  
RE: CONSTITUTIONAL ISSUES TO BE BRIEFED BY URBAN LEAGUE

This is to inform you, in accordance with the November 15 instructions of Mr. Townsend, that the Urban League respondents intend to argue that the Fair Housing Act is or may be invalid, depending on statutory construction, in the following respects:

- a) facial invalidity:
  - 1) absence of authority for Council to award builders' remedies;
  - 2) absence of authority to issue development restraints;
  
- b) partial invalidity:
  - 1) moratorium on builders' remedies;
  - 4) credits against fair share;
  - 5) alleged delay in enforcement of constitutional obligation;
  - 7) effect of settlement set forth in Section 22 of the Act;
  
- c) severability.