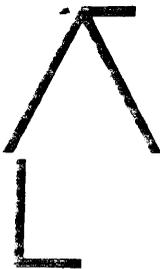


Plaintiff letter to judge submitting their position concerning the definition of region for purposes of this litigation

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**National Committee
Against Discrimination
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August 22, 1983

Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Court House
CN 2191
Toms River, N.J. 08753

Re: Urban League of Greater
New Brunswick, et. al. v.
Cartaret-Middlesex County,
No. C-4122-73

Dear Judge Serpentelli:

In accordance with your letter of July 25, 1983, plaintiffs hereby submit their position concerning the definition of region for purposes of this litigation.

It is the plaintiffs' position that all of the defendant municipalities lie within an eight county region in northeastern New Jersey that consists of Bergen, Essex, Hudson, Middlesex, Morris, Somerset, Passaic and Union Counties. Plaintiffs note that these eight counties were identified as a single region by the New Jersey Department of Community Affairs for purposes of its Revised Statewide Housing Allocation Plan (1978). In addition, plaintiffs understand that Philip Caton, the court-appointed expert in Urban League of Essex County et. al. v. Township of Mahwah, has

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August 22, 1983

recommended that this eight county area be considered as the relevant region for purposes of that litigation. Plaintiffs further submit that this area is consistent with the definition of region approved by the Supreme Court in Oakwood at Madison v. Township of Madison, 72 N.J. 481, 543 (1977), and Mount Laurel II, 92 N.J. at 256, and also satisfies the criteria outlined in the concurring opinion in Mount Laurel I, 67 N.J. at 215 n.16.

Traditionally, much of the population growth in Middlesex County attributable to residential development has been drawn from this region. In addition, the socio-economic interrelationships within the region are abundant and well known. For instance, an overwhelming majority of job-holders residing in this region also work within the region.

Further, this region is easily replicable and can be used to calculate the fair share obligation of any municipality located within its boundaries. The availability of data on a countywide basis also suggests that the precise configuration of the region should be based on county boundaries.

Finally, and most importantly, this region is large enough to provide a reasonable balance between lower income housing need and the resources (such as vacant, developable land) necessary to meet that need. Thus, this region represents an "area in which the housing problem can be solved." Mount Laurel I, 67 N.J. at 215 n.16. As the Supreme Court noted in Oakwood at Madison: "To the extent that 'housing market area' is identifiable with region, in the Mount Laurel sense, ... the area pertinent to Madison includes at least the seven northeastern counties of New Jersey and is sometimes referred to as the New York Metropolitan Region, which is generally inclusive of those counties." 72 N.J. at 528 n.35 (emphasis added).

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For these reasons, plaintiffs submit that the appropriate region in this case is the area that comprises Bergen, Essex, Hudson, Middlesex, Morris, Somerset, Passaic and Union Counties.

Sincerely,



Bruce S. Gelber
General Counsel

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