

South Plainfield 1984

letter to Judge from Expert re: Stipulation and Court Order

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TO: Honorable Eugene D. Serpentelli
FROM: Carla L. Lerman, P.P.
DATE: May 30, 1984
SUBJECT: Urban League of Greater New Brunswick v. Carteret, et al:
Review of Stipulation between Plaintiff and
Borough of South Plainfield, signed and dated May 10, 1984.

I have reviewed the Stipulation between the Urban League and South Plainfield and feel that the terms expressed therein are reasonable, in regard to the fair share allocation, the designation of sites for multi-family housing, and the procedures for marketing and affordability controls.

In the light of the limited amount of vacant land suitable for residential development, the reduction of the fair share allocation from that indicated in my report to the Court of 1725 units, to a total of 900 units is a reasonable reduction, which will be consistent with both good planning and the goal of providing housing for low and moderate income households.

There are several items in the Stipulation and the Court Order that might be amplified to facilitate compliance by South Plainfield.

Item 22 in Stipulation (6 in Court Order): In addition to applying for funds for rehabilitation, an aggressive program of code enforcement could aid in identifying deficient housing units, and through cooperation with the County Community Development Program, owners could be encouraged to rehabilitate their properties. In addition to the Borough making application for funds to subsidize housing, and in addition to the Borough encouraging private developers to do likewise, the Borough should encourage non-profit entities to apply for subsidies, particularly for Section 202 funds for housing for elderly or handicapped.

Item 26 in Stipulation (5 in Court Order): These two sections specify time restrictions on resale of housing units to other than low and moderate income buyers. No length of time is specified for the affordability of rental units to low and moderate income households. The Affordable Housing Ordinance to be adopted by the Borough should include a length of time during which affordability would be guaranteed. Thirty years would be a reasonable period of time, and would reflect the restrictions on resale of the sales units.

Item 17 in Stipulation (3F in Court Order): Compliance with the terms of this item in the Stipulation might be facilitated if the nature and extent of the required financial support by the Borough were clarified. The assumption would be that subsidy of the type provided by the Section 202 program of the Department of Housing and Urban Development would be required to provide units affordable to low and moderate elderly households. If that is the intent, then all of the units provided could be affordable to low income households.

Item 18 in Stipulation (3G in Court Order): The question of possible use by the Archdiocese of Metuchen of the Tompkins Avenue site for cemetery use could be clarified in the Court Order, and brought into conformance with the stipulation, if the last sentence of the Court Order were extended to include the phrase, "absent any application by the Archdiocese of Metuchen during that period."

Item 27 in Stipulation (3L of Court Order): Both the Stipulation and Court Order might facilitate the provisions required to be adopted by the Borough if a more specific definition of "housing needs" were included. The intent in these items is clearly to ensure a distribution of units of sizes that reflect the full range of need in the population, as opposed to only one bedroom units, for example. However, clarification of how to determine the appropriate distribution would be useful.

Other than these five items, which are proposed more for clarification than for alteration of the intent, I find the Stipulation to be reasonable in all its terms.