

ML

General

9-Dec-1985

Judges' letter to expert Carla
Lerman regarding questions ~~to~~
submitted to judge by attorneys,
requesting Lerman's response. (ie.
expanding the south metro region,
analyzing present need, allocating
present need, etc.) ⊕ Cover letter
pse = 4

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From the desk of...

Eric Neisser

ML000928L

TO: URBAN LEAGUE TEAM

FROM: ERIC

Attached is the judge's *letter* setting forth his ~~g~~ questions to Lerman. Please review them in preparation for Thursday's meeting. Please distribute your questions to all team members by Thurs at 10AM at the latest.

THANKS.

SEE YOU THURS AT 2 15.

Rutgers Constitutional Litigation Clinic



Superior Court of New Jersey

CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE
C. N. 2191
TOMS RIVER, N. J. 08753

December 9, 1983

Ms. Carla L. Lerman
413 W. Englewood Avenue
Teaneck, N. J. 07766

Dear Ms. Lerman:

I wish to formally acknowledge receipt of your report submitted to the Court under letter dated November 12, 1983. As I have informed you, I have instructed all counsel to submit any questions concerning your report to me within thirty days. In the interim I have several questions which I would like you to address at your convenience.

I. Region

A. I note that you have recognized the relationship of the Newark area in terms of distribution of its excess fair share to counties in the south metro portion of the region which you have described. Because of that relationship and the other significant interrelations of the counties south of Essex, would it be appropriate to expand the south metro region to include Essex and Hudson?

B. It has been suggested that Mercer county constitutes a region in and of itself because of the strong relationship between employment and residency within that county. I would appreciate your comments in that regard. If you do not agree, would you feel that it is appropriate to place Mercer County in some other regional configuration and, if so, what would that configuration be?

C. You apparently feel that there is a strong interrelationship of all 13 northern counties and a natural buffer area at the southern boundary of Monmouth and Mercer counties as they abut Burlington and Ocean counties. Would it be reasonable to create a 13 county region, or in the absence thereof, exclude certain outlying counties such as Warren, Sussex, Hunterdon and Mercer, which are substantially removed from the core area?

Ms. Carla L. Lerman

December 9, 1983

II. Present Need

- A. In light of the comments of the Court in footnote 8, can you justify not using the SMSA to determine median income?
- B. Do you feel that it is appropriate to analyze median income in terms of family and fair share in terms of household - or do I misunderstand your analysis in that regard?
- C. Do you believe that the opinion justifies the use of figures relating to dilapidated or overcrowded housing as opposed to a straight income criteria?

III. Allocation of Present Need

- A. Do you believe that the SDGP growth classification is a true measure of vacant developable land or is there some other standard which would be more precise? Would the Housing Allocation Report be preferable? Would you also consider a reallocation of fair share based upon the absence of vacant developable land?
- B. You use a three factor approach in arriving at an allocation of present and prospective need. Would it make sense to treat those factors in two phases? The first phase would involve dividing the factors of ratables and employment by two and multiplying the ratio obtained against the present and prospective need. The second stage would compare that figure against the fair share of the municipality and eliminate any excess share based upon some accepted density ratio. The excess share would then be reallocated to the other municipalities which could accommodate the need.

IV. Prospective Need

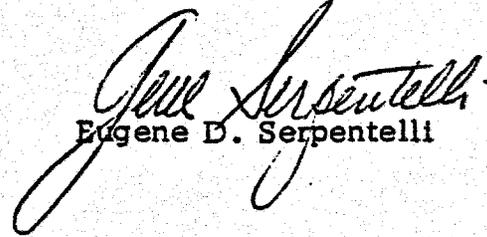
- A. You have utilized an adjustment factor of 2.5% for vacancies. I have seen the figure of 4% used. Is there an accepted norm? Is your figure based upon some particular standard?
- B. Do you believe that your prospective need should be adjusted based upon the number of units lost from the housing market?

Ms. Carla L. Lerman

December 9, 1983

I trust that the foregoing questions will not be too burdensome to you. I would appreciate hearing from you at your earliest convenience.

Very truly yours,


Eugene D. Serpentelli

EDS:RDH
CC: all counsel