

certification in support of motion  
to transfer to CBATH

P 4

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SUPERIOR COURT OF  
 NEW JERSEY  
 CHANCERY DIVISION  
 MIDDLESEX COUNTY  
 Civil Action  
 No. C-4122-73

*Plaintiff*

URBAN LEAGUE OF GREATER  
 NEW BRUNSWICK, et al.,  
 Plaintiffs,

vs.

*Defendant*

THE MAYOR AND COUNCIL OF  
 THE BOROUGH OF CARTERET,  
 et al.,  
 Defendants,

vs.

BOROUGH OF SOUTH PLAINFIELD  
 BY ITS MAYOR AND COUNCIL,  
 et al.,  
 Defendants.

LAW DIVISION  
 MIDDLESEX COUNTY  
 No. 56349-81

*Docket No.* C-4122-73

**CIVIL ACTION**

CERTIFICATION IN  
 SUPPORT OF MOTION TO  
 TRANSFER ACTION TO  
 COUNCIL ON AFFORDABLE  
 HOUSING

Frank A. Santoro, hereby certifies as follows:

(1) I am an attorney at law of the state of New Jersey and the municipal attorney for the Borough of South Plainfield, one of the defendants in the above captioned matter. I have served in this capacity since January 1, 1985 and am fully familiar with the litigation of this matter, including the hearings

before the Hon. Eugene D. Serpentelli on November 2, 1984, and June 24, 1985, and the Orders of the Court issued as a result of those hearings.

(2) On June 24 and 27, 1985, the New Jersey Legislature adopted Senate Bills Nos. 2046 and 2334 entitled "The Fair Housing Act". On July 3, 1985, Governor Thomas H. Kean signed the aforesaid legislation into law.

(3) The Judgement as to the Borough of South Plainfield dated May 22, 1984, requires the Borough to zone for 900 "least cost" housing units by 1990 and designates seven sites in the Borough to accommodate such zoning; requiring as it does, densities of from 12 to 15 units per acre and mandatory 10 percent low income and 10 percent moderate income set asides. With such set asides, the Borough of South Plainfield shall be required to allow for the construction of up to 4500 new residential housing units.

(4) The Borough of South Plainfield has a current housing stock of approximately 6000 residential units comprising mainly single family residences. The required increase in the number of housing units will drastically impact the Borough's fiscal capabilities for such things as the construction of new schools, new roads, expanded police and fire services. More importantly, the required increase in the number of housing units and the density of same shall severely impair the established pattern of development in the Borough; deplete available land for recreational, conservation, agricultural and farmland


preservation purposes; and seriously overload the public facilities and infrastructure capacities of the Borough.

(5) The Borough of South Plainfield shall adopt, in accordance with the provisions of the aforesaid "Fair Housing Act", a Resolution of Participation and prepare and file a Housing Element and Fair Share Plan within the time proscribed by Section 9 of the Act.

(6) The Borough of South Plainfield may propose to transfer up to 50 percent of its fair share to another municipality within its housing region in accordance with Section 12 of the Act.

(7) In order that the defendant Borough of South Plainfield be allowed to avail itself of the benefits of the aforesaid "Fair Housing Act" provisions, it is requested that the Court approve the transfer of the case forthwith and grant the further relief requested regarding the dissolution of the restraints against the issuance of building permits, site plan and subdivision approvals and consummating existing land sale transactions for non-Mount Laurel inventoried lands.

I hereby certify that the above statements are true. I am aware that if any of the above statements are wilfully false, I am subject to punishment.

  
FRANK A. SANTORO  
Attorney for Defendant  
Borough of South Plainfield

Dated: July 18, 1985

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