

Housing activists get sympathetic hearing

Judge leaning toward ruling against League

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A state Superior Court judge said yesterday she is leaning toward ruling the New Jersey State League of Municipalities, the lobbying arm for New Jersey's 566 municipal governments, should be subject to the state's Open Public Records Act.

The Fair Share Housing Center, a nonprofit Cherry Hill-based affordable housing activist organization, is seeking a court determination that the League meets the Open Public Records Act's description of a "public entity" and should be ordered to make its records open to the public.

At the conclusion of a 48-minute hearing, Judge Linda Feinberg said she will hand down a written decision by late next month.

"In terms of my tentative thoughts, this is a very tough case. I'm sort of leaning toward agreeing with plaintiff (Fair Share Housing)," she told attorneys. "I find the League is rather unique. Those are my tentative thoughts. I've given them before and changed my mind."

As she listened to the arguments by attorneys for both sides, Feinberg appeared especially interested in the fact that the League's 17 full-time employees are enrolled in the state Public Employees Retirement System, a pension fund otherwise open only to government workers.

Fair Share Housing wants to see the material the League used to advise the majority of local governments to oppose newly approved legislation that reshapes affordable housing standards and new housing regulations by the state Council on Affordable Housing.

Kevin Walsh, Fair Share Housing counsel, argued the League should be considered a public entity because it makes recommendations that are followed by local governments and is guided by a board composed of mayors. He also noted the League is funded with \$540,600 in dues from municipal governments that get the money from taxpayers.

William J. Kearns, the League's counsel, argued the organization does not provide any government function to the public and serves only as an advisory group. "We don't control municipalities and they don't control all that the League does," he said.