

April 10, 2015

RE: Weekly Policy Update

Municipal Clerk: Please forward a copy to all Governing Body Members Dear

Mayor:

Here's a recap of major policy issues of interest to local governments.

I. League Prevails in Protecting Municipal Affordable Housing Trusts

Yesterday, an Appellate Division panel enjoined COAH or any Executive Branch agency from attempting to seize the municipal affordable housing trusts. The League, represented by Jeffrey Surenian, Esq, and the Fair Share Housing Center initiated this litigation back in July 2012 when the Administration sought to seize "uncommitted" trust fund dollars. For more on this decision, please see the League's April 9 letter (<https://nj-njslom.civicplus.com/Archive.aspx?ADID=351>), which included a link to the decision.

Contact: Mike Cerra, mcerra@njslom.org or 609-695-3481, ext. 120.

II. FCC Cell Towers Collocation Rule

As a reminder, the FCC's "Acceleration of Broadband Deployment" rule went into effect on April 6, 2015. **However**, important portions of the rule remain inoperative pending Office of Management and Budget (OMB) review. For background, please see the League's previous letters on this issue:

<http://www.njslom.org/letters/2014-1103-FCC.html> (regarding the rule)

<https://nj-njslom.civicplus.com/ArchiveCenter/ViewFile/Item/413> (regarding OMB review of the rule)

Therefore, this rule will not become fully operative until the OMB completes its review and takes action. The OMB's comment period for this rule before closed on April 1st. Generally, OMB takes action within thirty days after the close of a comment period. Consequently, we can expect the OMB to take action on or around May 1st 2015. After which the entire rule may go into effect.

Additionally, it is the League's understanding that this rule has been appealed the federal D.C. Circuit Court. Please stay posted, as the League will be providing periodic updates on this issue.

Contact: Ed Purcell, Esq., epurcell@njslom.org or 609-695-3481, ext. 137.

III. League opposes EIT Mandate

The League of Municipalities **opposes** [A-3548](#) and [S-2354](#), which would require local governments and authorities to obtain financing cost estimates from the New Jersey Environmental Infrastructure Trust (EIT) for certain projects. **While well intended, this**

legislation mandates a lengthy process that will unnecessarily delay certain shovel ready projects. A-3548 has passed the General Assembly and is now referenced, along with S-2354, to the Senate Budget and Appropriations Committee. Please ask your State Senator to oppose this unnecessary mandate. For more, please see Item I of the League's March 6, 2015 letter (<https://nj-njslom.civicplus.com/ArchiveCenter/ViewFile/Item/373>)

Contact: Lori Buckelew, lbuckelew@njslom.org or 609-695-3481 x112.

Very truly yours,

William G. Dressel, Jr.
Executive Director