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Attorney for *Amicus Curiae*
New Jersey Appleseed PILC

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FAIR SHARE HOUSING CENTER, INC.,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION, HUDSON COUNTY
Plaintiff,	:	
	:	Docket No. HUD-L-4499-20
-vs.-	:	
	:	<u>Civil Action</u>
	:	
THE CITY OF JERSEY CITY and THE	:	Complaint in Lieu of
MUNICIPAL COUNCIL OF THE CITY	:	Prerogative Writ
OF JERSEY CITY,	:	
	:	
Defendants.	:	
_____	X	

CERTIFICATION OF RENÉE STEINHAGEN IN SUPPORT
OF MOTION FOR LEAVE TO APPEAR AS AMICUS

I, RENÉE STEINHAGEN, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and Executive Director of New Jersey Appleseed Public Interest Law Center ("New Jersey Appleseed" or "NJA"), attorney for *amicus curiae* New Jersey Appleseed, the applicant in connection with this matter. I make this certification in support of applicant's motion, pursuant to R. 1:13-9, for leave to appear as *amicus curiae* in this matter and to submit a brief in support

of Plaintiff, Fair Share Housing Center, Inc.'s prerogative writ complaint challenging the validity of City of Jersey City Ordinance No. 20-089, "An Ordinance Creating Chapter 187 (Inclusionary Zoning) of the Municipal Code Requiring the Inclusion of Affordable Housing Units in All Development Projects With Residential Units Which Have Received Use Variances or Increased Density or Height" (the "IZO") on both procedural and substantive grounds.

2. NJA, is a nonprofit legal advocacy organization located in Newark, New Jersey. It has its own advocacy agenda in certain areas of public policy and often represents other nonprofit New Jersey community-based organizations that share its agenda and concerns in litigation. Two of our advocacy areas that are implicated herein are Corporate and Government Accountability and Community and Environmental Health.

3. Specifically, under the area of Corporate and Government Accountability, NJA operates the Prerogative Writ Project, with respect to which, it has represented numerous community organizations in court actions, when that is the only mechanism for forcing government officials to do what the law requires, and has assisted others when other avenues of advocacy are available to hold government entities accountable to the public whose interests they serve. Within the past two years, NJA has represented PLANewark (a dedicated project of NJA) and has

advised Save-32-Acres in Ocean County with respect to their respective challenges to zoning ordinances based on procedural defects under the Municipal Land Use Law ("MLUL"), similar to the challenge launched in this case.

4. Under the area of Community and Environmental Health is NJA's Sustainable and Equitable Local Redevelopment Project, pursuant to which it has represented several environmental organizations and community-based development corporations seeking to vindicate their rights to participate and be heard in the development process. At this time, NJA represents Morris Canal Area Community Development Corporation ("MCACDC") with respect to a housing project in Jersey City, where MCACDC was not adequately represented in the development process and the developer was able to pit the provision of community benefits against the creation of a substantial number of units that would be affordable to low-income working families.

More generally, New Jersey has a strong network of community housing developers and other locally based community organizations that not only provide social services to residents in their communities, but also act as advocates, especially in the areas of affordable housing, environmental protection and land conservation. Locally generated campaigns in response to local events or developments sometimes need legal representation to initiate court action or intervene in ongoing litigation to

protect their interests. When our goals have meshed, NJA has represented such groups as a partner in the fight for sustainable, equitable and environmentally sound development.

5. For a comprehensive list of cases in which NJA has participated pursuant to these two projects, see <https://njappleseed.org/government-and-corporate-accountability/> and <https://njappleseed.org/community-environmental-health/>. As a result of NJA's aforementioned advocacy activity, mission and guiding principles, NJA is intimately involved in the subject matter of this litigation and has a special interest therein.

6. In its brief, the applicant intends to focus on the failure of the City of Jersey City to abide by the statutorily mandated process, which required referral of the ordinance to the planning board for a consistency determination prior to adoption, presumably to avoid the statutorily required report and, in accordance with Jersey City practice, the opportunity for public comment. NJA further seeks to support the claim that the ordinance creates an unlawful scheme that would permit Jersey City to trade away affordable housing as part of quid pro quo agreements with favored developers in violation of the law.

7. For the foregoing reasons, I respectfully request that this Court grant applicant's motion for leave to appear as *amicus curiae* and submit a brief in support of Fair Share Housing Center's Verified Complaint.

17. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/Renée Steinhagen,
Renée Steinhagen, Esq.

Dated: March 23, 2020