



**Here are a few examples of what we have achieved over the past few years, focusing on the past year:**

## **Voting Rights**

### **Facilitating Initiative & Referendum**

We have repeatedly stood up for and vindicated the right of initiative and referendum (I&R) under NJ law. I&R is a form of direct democracy by which certain questions get put on the ballot to be decided by voters themselves if enough of them sign a petition urging a city or county government to take or refrain from certain action. In the past year alone, we prevailed in several I&R lawsuits--supporting a renewable energy program in Teaneck, and seeking to improve EMS services and making government meetings more accessible to the public by broadcasting or streaming them in Parsippany. Some of our other past I&R efforts have resulted in stopping the privatization of public water systems in Newark and Edison, made it more difficult for Newark landlords to raise rents and changed the City of Orange's school board from an appointed to an elected one. During the early part of the COVID-19 crisis, we secured an executive order that permitted I&R petition signatures to be gathered electronically, and in Tumpson v. Farina, 218 N.J. 450 (2014), we won a New Jersey Supreme Court decision acknowledging that a violation of voters' rights of initiative and referendum constitutes a violation of the New Jersey Civil Rights Law.

### **Improving the Administration of Elections and the Way We Vote**

We were instrumental in obtaining the passage in 2008 of legislation that required NJ to conduct a statewide statistical audit of election results to ensure an accurate result. That law was not implemented, however, because most NJ counties used voting machines that did not produce a paper trail, which is essential for an audit. In 2020, when almost all NJ voting was done by mail because of the COVID-19 pandemic, we succeeded in convincing NJ to conduct its first ever election audit using the paper mail-in ballots.

We are the organizational lead of a campaign to achieve Ranked-Choice Voting in all New Jersey elections. NJ Appleseed is a co-founder of Voter Choice NJ, a completely volunteer staffed non-partisan, nonprofit incorporation, that is organized solely to educate New Jersey residents about Ranked Choice Voting, and to enable all municipalities in the State to adopt such method of voting in all their local elections. Hoboken just passed the first trigger ordinance (drafted by NJA) that will put the question of whether to adopt RCV on the ballot, at the November election following passage by the state of enabling legislation.

## **Health Care**

### **Protecting Community Health Assets**

We have repeatedly taken action to help ensure compliance with the Community Healthcare Assets Protection Act, meant to protect the interests of the public in the assets of nonprofit hospitals and other entities when they convert to for-profit status or merge with for-profit health companies. Our efforts have preserved many millions of dollars for the public.

We have successfully intervened in purchases of secular nonprofit hospitals by Catholic ones to ensure continued community access to reproductive health services. For example, when St. Joseph's Hospital purchased Wayne General Hospital in 2001, we negotiated a \$2 million grant to Planned Parenthood to provide the reproductive health services that would no longer be available from the hospital. And when Elizabeth General Hospital merged with St. Elizabeth Hospital to form Trinitas Regional Medical Center, a Catholic hospital which would not perform abortions, we went to court and obtained an order compelling the set-aside of a charitable trust to be held and administered by Morristown Planned Parenthood, which was required to make funds available to Elizabeth and Newark residents who had been or would have received certain reproductive services at Elizabeth General that had been discontinued.

### **Making Health Care Affordable and Accessible**

We were part of a Coalition that succeeded in obtaining passage of a state law in 2018 to ban surprise medical bills--for health services inadvertently received by out of network providers, as can occur when emergency medical care is provided or when care obtained from in-network physician at an in-network facility is assisted by an out-of-network provider such as an anesthesiologist, radiologist or lab technician, and we are currently working to ensure that New Jersey implements its law consistent with the recently enacted federal No Surprises Act so that all New Jersey residents are protected to the same extent and are treated similarly.

We are the legal arm of the NJ Affordable Drugs Campaign, which has been working for the passage of legislation that would establish a Prescription Drug Affordability Board (PDAB) to help rein in the high cost of prescription drugs. In early 2020, we helped get a bill introduced to do just that, S1066/A2418, which has been moving through committees in both houses and is likely to pass soon.

We are part of the Coalition that has worked hard to expand New Jersey's Family Care program so that all children, regardless of income and immigration status are covered, securing legislation in June 2021 that achieves that goal, and now turning our efforts to implementation.

## **Corporate and Government Accountability**

### **Protecting Residents in Their Homes**

We have stood up for the rights of those who live in common interest communities--typically, clusters of townhouses, condominiums, cooperatives and other planned unit developments--in relation to the community associations that collect dues/fees/assessments from them and set rules that govern many aspects of how the communities operate, including the appearance and upkeep of individual homes. Our efforts have protected home owners all over NJ—in places such as Cranberry Lake, Fair Lawn (Radburn), Tinton Falls (Fox Chase II), Passaic (Carlton Towers), Bedminster (Wood-Duck Pond), Morristown, Hillsborough (Alexandria at Hillsborough) and Southampton (LeisureTowne). For example, this past year, we interceded on behalf of a group of townhouse owners at Tuckerton Meadows who were concerned about lack of notice and other improper procedures related to an upcoming board election, the first in years. As a result of our efforts, the election was rescheduled with proper notice and procedures to preserve anonymity, homeowners were able to dispute arrearages that would otherwise have kept them from voting, and leading up to the new election date, legally protected campaign activities were allowed. Also in 2021, we stepped in on behalf of a woman who had been told to remove her Black Lives Matter sign from the window of her unit because it violated the condo association's no signs policy and that she would be fined if she failed to do so. We wrote a letter explaining that the signage restriction as applied to expressive speech was unconstitutional and warned that we would take them to court if the demand to remove the sign was not withdrawn. It was and the sign stayed up.

### **Protecting Peoples' Right to Speak**

We have represented targets of SLAPP suits aka Strategic Lawsuits Against Public Participation, which are typically brought by businesses and corporate interests to silence and intimidate ordinary citizens from exercising their constitutional right to speak out and petition the government on matters of public concern. Many of these suits occur in the context of opposition to local development projects. An example of our anti-SLAPP advocacy: In 2017, we represented 14 activists who were sued by a member of the Pinelands Commission for posting critical remarks on her real estate business Facebook page about her and her vote approving the South Jersey Gas pipeline through the Pinelands. The remarks were disparaging and angry but protected under the First Amendment. NJ Appleseed, which already represented pipeline opponents the Sierra Club and the Pinelands Preservation Alliance, took on the defense of the activists and got the SLAPP suit against them dismissed.

## **Community & Environmental Health**

### **Promoting Public Participation in the Redevelopment Process**

In 2021, we represented the Morris Canal Redevelopment Area Community Development Corporation (MCRACDC), a nonprofit urban development organization in Jersey City that grew out of a neighborhood coalition in the Lafayette section of Jersey City, once the eastern terminus of the Morris Canal. Established to ensure the community was included in decision-making regarding redevelopment in the area, MCRACDC helped create the Morris Canal Redevelopment Plan, which requires the City and developers to work with it and obtain its input before making changes to the Plan or Redevelopment Area. Instead, Jersey City allegedly failed to do so and violated both NJ law and the Redevelopment Plan and also engaged in spot zoning—changing the zoning of the site in question for the benefit of a developer at the expense of the community. NJ Appleseed was co-counsel with a law firm in a lawsuit to enforce the unique community empowerment provisions requiring community participation in the decision-making about what gets built and where in the Morris Canal Redevelopment Area. Through our efforts we succeeded in halting construction of a controversial 17-story high rise in the area.

### **Addressing the Third Rail in NJ Politics: Affordable Housing**

We teamed up with the Fair Share Housing Center to join as amicus its suit challenging Jersey City's Inclusionary Zoning Ordinance on the grounds that it was rushed to adoption over public opposition in an unlawful process that circumvented the statutory requirement that such an ordinance first be referred to the Planning Board and because it gave local officials unfettered discretion to trade away affordable housing as part of quid pro quo agreements with favored developers. We became involved because of our longstanding interest in equitable, sustainable, and environmentally sound development and our then-current representation of the Morris Canal group in a case implicating the same zoning ordinance. The entire ordinance was declared null and void in August 2021 by a judge who declared that the provisions allowing officials to trade off affordable housing obligations in exchange for community benefits, were so "free wheeling" that the ordinance posed "significant risk for abuse, favoritism, or bad faith."