



NEW JERSEY INSTITUTE OF
LOCAL GOVERNMENT ATTORNEYS



LOCAL GOVERNMENT LAW REVIEW

VOLUME 47

NUMBER 1

WINTER 2024

AN AFFILIATE OF





**Submissions for future volumes of the
LOCAL GOVERNMENT LAW REVIEW
should be sent to:**

**Joseph M. Wenzel, Esq.
Friend & Wenzel, LLC
975 Clifton Avenue
Clifton NJ 07013**

or to

joe@friendwenzel.com

The deadline for the Spring issue is March 30, 2024.

MANAGING EDITOR'S NOTE

Well it finally snowed enough to bring out the ol' snowblower. If I only remembered the gas...

I hope this edition finds you all well ensconced in your warm abodes awaiting the latest updates in our every evolving field. You will find all you need to keep up to date with the latest developments in zoning, tax, OPRA, civil rights, and every other field touching our practice. As always, I on behalf of the editors hope you find this informative and helpful.

As some of you are aware, and if you don't know now you know, there is fast-tracked legislation pending in Trenton to create a whole new process for setting affordable housing obligations. This bill, titled A4, has several sponsors and as of this writing has been approved by the State Assembly (largely along party lines). It is now before the Senate Budget and Appropriations Committee without a scheduled date for hearing.

The bill would allow a central committee of learned former jurists to set each municipality's affordable housing need numbers. Afterwards, the municipality is granted the opportunity to argue that the number is incorrect. The bill sets forth very short timeframes for objections to be registered and then heard. On its face, the proposal appears at best unworkable and at worse sets an unreachably high goal. Choose any one of the contested matters from the last round and you will quickly see how unrealistic this bill's aspirations are.

NJILGA has been keeping an eye on this and has raised these concerns among others. However, it appears that the State Legislature and the Governor are committed to this bill. I would highly recommend that you read A4 and digest its potential impact for your clients.

Again, we encourage you to consider submitting an article that qualifies for the \$1,000 Walter T. Wittman Prize in writing. To qualify you now have until September 15, 2024, to submit an article to us. We would welcome any articles concerning the legal issues effecting local governments. Contact us about it by email to joe@friendwenzel.com.

Please support our advertisers and consider advertising with us yourself.

Electronic copies of back issues of *The Local Government Law Review* from 2010 onward can be found in the Members Only section of the Institute's website (www.njilga.org). If you need a copy of materials from the *Local Government Law Review* published before 2010, you may email a request to trishka@mglaw.com.

Joseph Wenzel, Managing Editor
Samantha J. Castrelos, Assistant Editor
Jameson Van Eck, Assistant Editor
Robin La Bue, Assistant Editor
Richard J. Allen, Associate Editor
Bruce H. Bergen, Associate Editor
Jean L. Cipriani, Associate Editor
Clifford Gibbons, Associate Editor
Ed Purcell, Associate Editor
Tara St. Angelo, Associate Editor
Andrea E. Wyatt, Associate Editor
William Malso, Associate Editor
Kathryn Razin, Associate Editor
Nicholas Sullivan, Associate Editor
Steven Goodell, Legislative Editor
Thomas W. Dunn, Senior Editor
William John Kearns, Jr. (ex officio)

WINTER 2024

LOCAL GOVERNMENT LAW REVIEW
WINTER 2024
VOLUME 47, NUMBER 1
INTERACTIVE TABLE OF CONTENTS

	PAGE
EDITOR'S NOTE.....	i
DIGESTS OF PUBLISHED CASES.....	1
DIGESTS OF UNPUBLISHED CASES.....	5
SUPREME COURT CASES TO WATCH.....	20
LEGISLATION.....	26
NJILGA – WHO WE ARE.....	31
WALTER T. WITTMAN WRITING COMPETITION.....	32
INSTITUTE AWARDS.....	33
NEED HELP?.....	35
HOW TO ADVERTISE.....	36
OUR SPONSORS.....	37