

## **Policy Briefing: Mount Laurel Revisited, Beyond the Supreme Court Decision**

December 13, 2013

8:00 AM to 11:30

The College of New Jersey

Ewing, NJ

### **Philip B. Caton, PP, FAICP, Principal, Clarke Caton Hintz**

Mr. Caton has directed land use programming, site planning and redevelopment initiatives for public agencies and as a private consultant for over 35 years. Mr. Caton has prepared Redevelopment Plans for most of New Jersey's large cities, including: Trenton, Camden, Jersey City and Elizabeth. He has prepared Master Plans and zoning ordinances for many municipalities. Mr. Caton is an acknowledged expert in affordable housing and in the Transfer of Development Rights (TDR). In the affordable housing arena he has been appointed by the N.J. Superior Court as a special master in litigation involving over 50 municipalities and has served as an affordable housing consultant to more than 45 municipalities. In 2010, Mr. Caton was inducted into the College of Fellows of the American Institute of Certified Planners.

### **David N. Kinsey, PP, FAICP, PhD, Partner, Kinsey & Hand and Visiting Lecturer in Public and International Affairs, Princeton University**

Dr. Kinsey is an urban, regional, and environmental planner who specializes in affordable housing planning, for courts, developers, public interest organizations, nonprofits, and towns throughout New Jersey. Based in Princeton, Dr. Kinsey has also been a Visiting Lecturer at the Woodrow Wilson School of Public and International Affairs at Princeton University since 1998, where he teaches land use policy and planning, affordable housing, climate change, New Urbanism, planning theory, and environmental justice. Dr. Kinsey is a co-author of [Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb](#), published by the Princeton University Press and awarded the Paul Davidoff Award by the Association of Collegiate Schools of Planning, both in 2013. Honored as a Fellow of the College of Fellows of the American Institute of Certified Planners (FAICP) in 2006, Kinsey is a licensed Professional Planner and holds a A.B. in Government-Architecture from Dartmouth College and M.P.A.U.P. and Ph.D. degrees from Princeton University. Kinsey may be reached at david@kinseyhand.com.

### **Henry L. Kent-Smith, Esq., Partner, Fox Rothschild LLP**

Mr. Kent-Smith concentrates his practice in real estate including the land use permitting and redevelopment process and eminent domain/condemnation matters. He has also negotiated commercial development agreements and acquisitions and leasing for both landlords and tenants. Mr. Kent-Smith has appeared before more than 150 municipalities and more than 200 land use boards in every county in New Jersey. Mr. Kent-Smith also practices in the area of zoning litigation, including *Mount Laurel* affordable housing suits and administrative

proceedings before the Council on Affordable Housing. Mr. Kent-Smith is the immediate past Chair of the Land Use Section of the New Jersey Bar Association and an adjunct professor at Rutgers University, Bloustein School of Planning. He is active in the New Jersey Builders Association, serving on the Land Use Planning Committee and the Legislative Affairs Committee. Mr. Kent-Smith regularly presents seminars for the New Jersey Institute of Continuing Legal Education, most recently moderating seminars on Land Use Basics and Land Use Law Update. He is also a member of the New Jersey Shore Builders.

**Art Bernard, Consulting Planner, Art Bernard and Associates, LLC**

Mr. Bernard is a licensed professional planner with over 35 years of experience in land use and affordable housing. From 1986-1994, he served the Council on Affordable Housing (COAH) as its Deputy Director and Executive Director. In both those capacities, he developed and supervised COAH's entire work program and worked directly with the Board on all of the rule making and motion decisions. Since leaving COAH in 1994, he has worked as a planning consultant for 22 municipalities: reviewing development applications, crafting land use plans and redevelopment plans, and serving as an affordable housing consultant. He has worked for private sector clients before local boards all over the state and has served the Superior Court, as a Special Master. He also serves the New Jersey Builders Association as an affordable housing consultant.

**Creigh Rahenkamp, AICP, PP, Creigh Rahenkamp & Associates, LLC**

Mr. Rahenkamp is extensively involved in research and analysis of evolving regulatory techniques and their impact on the economics of land development and social responsibility. He has frequently served as an expert witness in legal challenges, preparing reports and testimony for actions challenging inappropriate land use policies and restrictions or defending well-constructed regulations. He has been accepted as an expert by trial courts in several states, innumerable planning and zoning boards throughout the country, and has served as a Court-appointed Master in New Jersey. As part of these services, he has been a key participant in litigation and settlement negotiations in numerous municipalities under various "fair share" doctrines in several states, including a role in the leading cases of Mount Laurel, Mahway, Pohatcong, and West Windsor. While litigation is a central focus of the practice, Mr. Rahenkamp regularly works with land developers through feasibility assessment and land design process in an effort to meet the evolving needs of the market while managing regulatory risk prudently. In addition, Mr. Rahenkamp has broad experience in the evaluation and preparation of economic development strategies for local and regional governments and site selection studies or market assessment for private industry.

**Jeffrey Surenian, Esq., Jeffrey R. Surenian and Associates, LLC**

Since his clerkship three decades ago with the esteemed *Mount Laurel* trial judge Eugene D. Serpentei, Mr. Surenian has practiced exclusively in the *Mount Laurel* arena. His firm

represents only municipalities, and his client base has grown to over forty municipalities across the state. He has achieved considerable success in protecting the interests of municipalities. Some of Mr. Surenian's achievements include vindicating the doctrine of "temporary immunity", securing the right of municipalities to secure credit even if the units are not deed restricted, and obtaining dismissals of builder's remedy suits where the developers failed to make a good faith effort to achieving an amicable resolution before filing suit. He has written and lectured extensively about the *Mount Laurel* doctrine. He regularly comments on all proposed COAH regulations, vigorously participates in the legislative process, and defends many municipalities in court and COAH proceedings. He also serves as Associate Counsel to the New Jersey State League of Municipalities, which currently seeks to prevent the state from forcing municipalities to forfeit up to 160 million dollars in affordable housing trust fund monies.

**Kevin D. Walsh, Esq., Associate Director, Fair Share Housing Center**

Mr. Walsh is Fair Share Housing Center's Associate Director. In 2000, he joined FSHC following a clerkship in the New Jersey Supreme Court. Walsh, a graduate of The Catholic University of America and Rutgers University School of Law in Camden, is responsible for the administration of FSHC and focuses his practice on regulatory challenges and litigation involving high-growth municipalities. He has also had major success in getting affordable housing included in key transit-oriented development plans. Mr. Walsh received the Mary Philbrook Award from Rutgers School of Law - Camden in October 2012 and was named Lawyer of the Year in December 2012 by the New Jersey Law Journal.

**Lori Grifa, Esq., Member, Wolff & Samson**

Ms. Grifa rejoined Wolff & Samson as chair of the Regulatory Affairs Group after having served in Governor Chris Christie's Cabinet as the commissioner of the New Jersey Department of Community Affairs from 2010 to 2012. During her tenure, Ms. Grifa also chaired the New Jersey Meadowlands Commission, the New Jersey Redevelopment Agency, the New Jersey Council on Affordable Housing and the New Jersey Housing Mortgage Finance Agency. In addition to creating approximately 3,000 units of affordable housing during this period, she managed 2,200 annual grant programs involving nearly \$500 million. As head of the Regulatory Affairs Group, Lori handles matters involving administrative and regulatory law, as well as government affairs, before the New Jersey Departments of Banking and Insurance, Education, Environmental Protection, Labor, Transportation and Treasury, as well as the state's professional licensing boards. From 2002-2003, Ms. Grifa served as chief of staff to New Jersey Attorney General David Samson. A graduate of Boston College School of Law, Ms. Grifa served as law clerk to Judge Elbert Tuttle of the Superior Court of Massachusetts. She earned her B.A., *cum laude*, from Rutgers University, where she was a Henry Rutgers Thesis Scholar and member of Phi Beta Kappa.