



AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY

PO Box 32159
Newark, New Jersey 07102
973-642-2086



CONSTITUTIONAL LITIGATION CLINIC

Center for Law and Justice
123 Washington St.
Newark, NJ 07102
973 353-5378 TEL
973 353 1445 FAX

Comments on the March 13, 2013, Community Development Block Grant Disaster Recovery Action Plan

March 19, 2013.

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The Honorable Richard Constable
Commissioner
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

Via Email: Sandy.Recovery@dca.state.nj.us.

**Re: Comments on the March 13, 2013, Community
Development Block Grant Disaster Recovery
Action Plan**

Dear Commissioner Constable:

1. We respectfully submit the following comments on behalf of the American Civil Liberties Union of New Jersey and the Rutgers Constitutional Litigation Clinic (the “Commenters”) regarding the draft State of New Jersey’s Community Development Block Grant Disaster Recovery (CDBG-DR) Action Plan (Draft Plan). (For ease of reference, each paragraph in these comments is numbered sequentially).

2. The American Civil Liberties Union is the leading national organization dedicated to defending and extending civil liberties and civil rights for all people in this country. The ACLU of New Jersey, the state affiliate of the national ACLU, similarly advances the values enshrined in the Bill of Rights, as well as those protected in the New Jersey Constitution, and represents tens of thousands of New Jerseyans living in all corners of our state. The Rutgers Constitutional Litigation Clinic of Rutgers School of Law—Newark. The Constitutional Litigation Clinic has worked on cutting edge constitutional reform since its founding in 1970, and both educates law students and fulfills the public service mission of Rutgers University by litigating cases and providing public education in matters of public interest.

3. For purposes of these comments, the Commenters focus on two transcendent civil liberties concerns: (1) the public’s interest in citizen participation and transparency in government processes, particularly with regard to distribution of funds in the amounts contemplated under the Disaster Relief Appropriations Act of 2013 (Pub. L. 113-2), and (2) the values of equal justice as guaranteed under both the United States and New Jersey Constitutions, with particular attention to the equitable allocation of recovery resources to, and consideration of the disproportionate hardship imposed upon, economically disadvantaged and racial and ethnic minority households and communities.

4. Particular requirements advancing both those values are further set forth in the Notice published by the federal Department of Housing and Urban Development, *Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving*

Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy, 78 Fed. Reg. 14329 (Mar. 5, 2013) (hereafter the “HUD Notice”).

PUBLIC PARTICIPATION AND GOVERNMENT TRANSPARENCY

5. As our State Supreme Court has emphasized, “New Jersey has a strong, expressed policy in favor of open government” *Times of Trenton Pub. Co. v. Lafayette Yard Community Development Corp.*, 183 N.J. 519, 529 (2005). “The salutary goal, simply put, is to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process.” *Asbury Park Press v. Ocean County Prosecutor's Office*, 374 N.J. Super. 312, 329 (Law Div. 2004). As the Legislature itself has declared in the Open Public Meetings Act, “secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.” N.J.S.A. § 10:4-7.

6. The Draft Plan is the first stage of one of the most ambitious and resource intensive disaster recovery projects that New Jersey has ever undertaken. If adopted, therefore, it will have dramatic and long-lasting consequences not just for those residents whose homes or livelihood were damaged or destroyed by Hurricane Sandy, but indeed for *all* residents of the State, who will all bear a share of the collective social and financial responsibility for reconstruction and rehabilitation of the communities ravaged by natural disaster. Billions of taxpayer dollars will be expended. Although the funds are great, so too was the destruction, and hard policy choices necessarily must be made. For this reason, public participation is essential to lend legitimacy and proper perspective to those policy choices. Yet the Draft Plan has been promulgated with the bare minimum of public participation, and has not afforded equal access to all New Jerseyans.

7. The HUD Notice stresses the importance of public participation when it requires that each grantee certify that “it is following a *detailed citizen participation plan* that satisfies the requirements of 24 CFR 91.105 or 91.115, as applicable (except as provided for in notices providing waivers and alternative requirements for this grant).” 78 Fed. Reg. at 14347 (emphasis added). While the HUD Notice waives certain pre-existing public participation requirements under 42 U.S.C. § 5304(a)(2) and (3), 42 U.S.C. § 12707, 24 C.F.R. §§ 570.486, 91.105(b) and (c), and 91.115(b) and (c), and thus does not mandate public hearings, it does require a grantee to provide a “reasonable opportunity (at least 7 days) for citizen comment.” 78 Fed. Reg. at 14338.

8. The seven day period is an absolute minimum, however, not a suggested best practice, and is subject to the overall requirement that the opportunity to comment be “reasonable.” Here, DCA has chosen to publish its plan only eight days after the HUD Notice prescribing the criteria upon which it is to be assessed, with no public hearings and with the minimum time period of seven days (March 13 to March 19) for public comment. While here DCA has allowed the bare minimum time period of seven days (March 13 to March 19) for public comment, under these particular circumstances, the Commenters have concerns about whether the opportunity for citizen comment is in fact reasonable. Given the complexity and length of both the Draft Plan itself, and the HUD Notice against which the Draft Plan is to be

assessed, it is doubtful that citizens or even advocacy groups who were not already poised for action in anticipation would have the ability to thoroughly review the Draft Plan and provide comment.

9. It is further unclear whether within the brief period of time between the publication of the HUD Notice (March 5) and the publication of the Draft Plan (5:00 pm on March 12, 2013), that even the New Jersey State Led Disaster Housing Task Force – formed by DCA on November 4, 2012, and comprised of federal, state and non-profit organizations and the private sector with the goal of developing a more long-term and comprehensive disaster housing strategy – was consulted or otherwise able to provide any significant input on formulation of the Draft Plan.

10. Moreover, the HUD Notice further states that ‘All grantees must include sufficient information so that *citizens*, UGLGs (where applicable), and other eligible subgrantees, subrecipients, or applicants *will be able to understand and comment on the Action Plan* and, if applicable, be able to prepare responsive applications to the grantee.’ 78 Fed. Reg. at 14336 (emphasis added). In identical language, both 24 C.F.R. § 91.105 (local government) and 24 C.F.R. § 91.115 (State), which are expressly incorporated into the HUD Notice, further provide:

These requirements are designed especially to encourage *participation by low- and moderate-income persons, particularly those living in slum and blighted areas* and in areas where CDBG funds are proposed to be used, and *by residents of predominantly low- and moderate-income neighborhoods*, as defined by the jurisdiction. A jurisdiction is also expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

(Emphasis added). Given the complexity of the Draft Plan, and the scant period of time permitted within which to comment, it cannot be stated with any conviction that the process followed thus far in submitting the Draft Plan for public comment has achieved the participation by vulnerable communities, as specifically required by the HUD Notice and the regulations expressly incorporated into the Notice. DCA must take immediate action to remedy that deficiency.

11. Moreover, a “plan” is not merely a recitation of past diary engagements, but is a method or procedure designed to achieve the end of encouraging public participation. Section 6.9.1 of the Draft Plan, however, does not describe any method or procedure to be used to promote public participation, and this cannot provide any assessment of why such a method or procedure would be effective in meeting the requirement of “reasonable opportunity” for public participation. Section 6.9.1 consists entirely of a recitation of past meetings and contacts that various state officials have had with available residents, local government officials, and some advocacy and trade organizations. While the fact these meetings took place is commendable, the Draft Plan does not reveal any conscious strategy or thoughtful approach, i.e. a *plan*, designed to best enhance public participation in any coordinated way.

12. The Commenters therefore respectfully suggest that the comment period be substantially extended to permit further thoughtful response from interested residents. While the Commenters acknowledge that time is of the essence in providing recovery relief to needy New Jerseyans, in the overall time frame of this immense undertaking, the additional time would not seriously impair that interest, and on balance would be more than offset by the enhanced public participation that it would permit.

13. Certainly, with regard to any later substantive amendments to the Plan, where the exigencies of time are not as compelling, the Commenters recommend that a more comprehensive Citizen Participation Plan be devised than is contained in the current Draft Plan. The HUD Notice requires that each Draft Plan include a list of criteria that would define a substantial amendment. The Draft Plan responds by repeating essentially verbatim the absolute minimum criteria specified in the HUD Notice itself, i.e. a change in program benefit or eligibility criteria; the allocation or re-allocation of more than \$ 1 million; or the addition or deletion of an activity. While apparently permitted under the HUD Notice, this definition appears on its face to restrict to the fewest instances permitted under the rules the occasions when a public comment period is required. If that is so, then, at the very least, the procedures for soliciting and receiving public participation during those few instances should be correspondingly expansive, and there is no need to limit comments to those that can be collected in a brief seven day window. The Commenters urge DCA to consider a more deliberate and deliberative *plan* for public participation as the inevitable amendments are proposed.

14. The HUD Notice makes clear that “Despite the expedited process, grantees are still responsible for ensuring that all citizens have equal access to information about the programs, including persons with disabilities and limited English proficiency (LEP). Each grantee must ensure that program information is available in the appropriate languages for the geographic area served by the jurisdiction.” 78 Fed. Reg. at 14338. The Draft Plan states that “The Action Plan and substantial amendments *will* be published in both English and Spanish,” but as of Tuesday, March 19 (the last day for public comment), the Commenters have been unable to locate the Spanish translation of the Draft Plan. Thus, members of the public proficient in Spanish but not English have been effectively excluded from participating in this accelerated comment period. Even the press release that summarizes the Draft Plan is made available in Spanish only by a menu option linking it to the free Google™ Translator function. Google™ Translator is no doubt a useful function for very casual or informal use, but like any computerized language algorithm, it can often lead to misleading or sometimes unintelligible translations, and can therefore hardly be relied upon to provide a reliable source of official government information. Moreover, the top 5 foreign languages spoken in New Jersey are: Spanish, Hindi, Mandarin Chinese, Haitian Creole and Portuguese. (Source: *American Community Survey, 2008, U.S. Census Bureau*). The Draft Plan does not explain why it limits translations to Spanish, and therefore does not discharge its obligation to “ensure that program information is available in the appropriate languages for the geographic area served by the jurisdiction.”

15. In creating and moving towards adopting this Draft Plan, DCA has chosen to do the bare minimum to meet, or in certain aspects been outright deficient in meeting, requirements of transparency and public participation. The ACLU-NJ urges DCA to take immediate steps to

remedy its actions to date. It further urges DCA to move forward with the understanding that public participation and transparency are not impediments to accomplishing government's goals; rather, they facilitate accomplishing those goals, by giving the government the opportunity to obtain meaningful comments from diverse constituencies and by ensuring a greater degree of public approval by giving the public a voice in the process.

EQUAL JUSTICE AND FUNDAMENTAL FAIRNESS

16. The Commenters take particular note of, and pride in, the principles of social justice and fairness embedded in the legal history and traditions of our State. Our state constitution has long been interpreted as imposing a standard of fundamental fairness in providing opportunities for affordable housing. "It is plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation." *South Burlington County NAACP v. Mount Laurel*, 67 N.J. 151, 179 (1975) (*Mt. Laurel I*) (emphasis added). As Chief Justice Wilentz noted in the sequel case of *Southern Burlington County NAACP v. Mount Laurel*, 92 N.J. 158 (1983) (*Mount Laurel II*):

It would be useful to remind ourselves that the [*Mt. Laurel*] doctrine does not arise from some theoretical analysis of our Constitution, but rather from underlying concepts of fundamental fairness in the exercise of governmental power. The basis for the constitutional obligation is simple: the State controls the use of land, all of the land. In exercising that control it cannot favor rich over poor. It cannot legislatively set aside dilapidated housing in urban ghettos for the poor and decent housing elsewhere for everyone else. The government that controls this land represents everyone. While the State may not have the ability to eliminate poverty, it cannot use that condition as the basis for imposing further disadvantages. And the same applies to the municipality, to which this control over land has been constitutionally delegated.

Recent analysis of the impact of Hurricane Sandy on New Jersey residents has found that 44 percent of FEMA registrants have incomes of less than \$30,000 per year, indicating a serious need for providing opportunities for affordable housing for all New Jerseyans.¹

17. The HUD Notice requires that "Grantees must . . . assess how planning decisions may affect racial, ethnic, and low-income concentrations, and ways to promote the availability of affordable housing in low-poverty, non-minority areas where appropriate and in response to disaster-related impacts." 78 Fed. Reg. at 14334. Such an assessment of possible unintended consequences of planning decisions is essential to avoid repetition of tragic mistakes of the past. The history of post-World War II "urban renewal" projects that shattered low-income communities is an unhappy reminder of the possible consequences of the indiscriminate exercise

¹ Enterprise Community Partners, Inc., *FEMA Assistance Analysis: New Jersey, New York City and Other Areas of New York*, available at <http://www.practitionerresources.org/cache/documents/678/67899.pdf>.

of sweeping government police powers for redevelopment and recovery.² The Draft Plan, however, does not contain such an assessment of the effect of planning decisions on racial, ethnic, and low-income concentrations. That omission is a critical flaw that ACLU-NJ urges DCA to rectify.

18. The HUD Notice also requires that:

Each grantee must develop a needs assessment to understand the type and location of community needs to enable it to target limited resources to areas with the greatest need. At a minimum, the needs assessment must evaluate three core aspects of recovery--housing, infrastructure, and the economy (e.g., estimated job losses). *The assessment of emergency shelter needs and housing needs must address interim and permanent; owner and rental; single family and multifamily; public, HUD-assisted, affordable, and market rate.*

78 Fed. Reg. 14332 (emphasis added). The distinctions articulated in the HUD Notice – such as owner and rental; single family and multifamily; public, HUD-assisted, affordable, and market rate – are critical to a full understanding of the particular impact of Hurricane Sandy on economically disadvantaged households who disproportionately reside in certain of those categories, and thereby identify the areas of “greatest need” to which limited resources should be directed. In numerous ways as further explained below, the Draft Plan either fails to adequately address the HUD mandates or fails to provide adequate explanations as to how those mandates have been met. Moreover, it fails to adequately explain how it will address any disparate impact of the devastation on low and moderate income households.

19. While the Draft Plan does generally address the issue of depleted rental stock (Section 2.3.2), the Commenters join in the concerns expressed in comments that are being filed by the Fair Share Housing Center and other organizations, that the Draft Plan severely underestimates the impact of Superstorm Sandy on renters and particularly lower-income renters and African-American and Latino renters, in New Jersey.

20. The Impact and Unmet Needs Assessment section of the Draft Plan does not appear to address, at least expressly, the impact and unmet housing needs for affordable or market rate housing, nor for single or multi-family dwellings. Such a particularized assessment of these types of housing is critical to a full understanding of the unmet needs of low and moderate income households, and must be separately articulated as required by the HUD Notice. While the Draft Plan does discuss the impact of Hurricane Sandy on several forms of *federally* owned public housing, including and Housing Choice Voucher (HCV) recipients (Section 2.3.2), it does not appear to address the impact on non-federal public housing, such as dwellings owned by the Atlantic City Housing Authority.

² For one of the most influential critiques of the “slum clearance” techniques of the 1950s and 1960s, see Jane Jacobs, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* (1961). In particular, Jacobs argued for urban revitalization programs that preserved the uniqueness inherent in individual neighborhoods, rather than clearance and attempts to create new communities.

21. The HUD Notice requires that “Grantees must pay special attention to neighborhoods with high percentages of damaged homes and provide a demographic analysis (e.g., race, ethnicity, disability, age, tenure, income, home value, structure type) in those neighborhoods to identify any special needs that will need to be addressed.” 78 Fed. Reg. at 14333. While the Draft Plan contains in Appendix B overlay maps indicating coincidence between FEMA damaged structures and Low Income Census Tracts, and the text of the Draft Plan discusses briefly the disparate impact of Hurricane Sandy on low and moderate income households (Section 2.3.4), the Draft Plan does not indicate how or *if* the data reported in Appendix B was used to identify any special needs that would require attention. It is therefore unclear if the Draft Plan simply did not perform a correlation analysis between income level and special unmet needs, or whether it did perform such an analysis and found that no such special needs exist. In either case, greater transparency is necessary to understand the resulting allocation of resources recommended by the Plan.

22. While the State promises that “The State will also promote the availability of affordable housing in areas of opportunity where appropriate and support plans that are equitable to racial, ethnic and low-income concentrations” (Section 6.2.4), that promise is illusory unless enforceable by some metric or methodology by which results can be assessed. The HUD Notice requires “A description of the *connection* between identified unmet needs and the allocation of CDBG-DR resources by the grantee.” 78 Fed. Reg. at 14333 (emphasis added). Absent an express articulation of that connection, the Draft Plan does not meet the requirements of the HUD Notice.

23. The HUD Notice requires that a grantee shall provide a “description of how the grantee will encourage the provision of housing for *all* income groups that is disaster-resistant.” 78 Fed. Reg. at 14334 (emphasis added). The Notice then demands a description of the particular activities the grantee plans to undertake to address the housing needs of individuals and families that are homeless and at-risk of homelessness; the prevention of low-income individuals and families with children (especially those with incomes below 30 percent of the area median) from becoming homeless, and the special needs of persons who are not homeless but require supportive housing such as the elderly or persons with disabilities. *Id.* In response, however, Section 6.2 of the Draft Plan notes the adoption of new construction standards that will encourage rebuilding stronger structures and presumably make structures more “disaster-resistant,” such as adoption of FEMA’s updated Advisory Base Flood Elevation (ABFE). The Draft Plan then lists existing *pre-Sandy* state programs that support the enumerated vulnerable and low income populations in an attempt to persuade that the State will encourage the provision of housing for all income groups (Sections 6.2.2 and 6.2.3). The Draft Plan therefore does not establish the nexus, as clearly demanded by the HUD Notice, between provision of housing that is both disaster-resistant, and that is *also* available for *all* income groups. Even if adequately funded, the existing state housing programs were obviously not designed to make affordable housing disaster-resistant. The Draft Plan therefore does not address the concern that obviously undergirds the HUD requirement that the cost of making homes disaster-resistant may also make them financially inaccessible to low income and other vulnerable populations.

24. The HUD Notice requires a description of how the grantee will identify and address the rehabilitation, reconstruction, and replacement of: public housing (including

administrative offices), HUD-assisted housing, McKinney-Vento funded shelters and housing for the homeless--including emergency shelters and transitional and permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. 78 Fed. Reg. at 14334. The Draft Plan, however, does not contain such a description.

25. The HUD Notice requires a “description of how the grantee plans to minimize displacement of persons or entities, and assist any persons or entities displaced.” 78 Fed. Reg. at 14334. The HUD Notice thus demands a description of *how* the State plans to minimize such displacement, not merely a conclusory assurance that it will do so. The response in the State Plan (Section 6.4) is essentially tautological, however, in that it merely repeats in close periphrasis the very question to be answered:

The State plans to minimize displacement of persons or entities and assist persons or entities displaced as a result of implementing a project with CDBG-DR funds. This is not intended to limit the ability of the State to conduct buyouts or acquisitions for destroyed and extensively damaged units or units in a floodplain.

The Draft Plan then recites the regular provisions of existing pre-Sandy law (the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), and Section 104(d) of the Housing and Community Development Act of 1974), and assumes that they will be sufficient to provide for minimization of the extraordinary displacement of persons caused by Hurricane Sandy. It cannot be gainsaid that Sandy was not a regular occurrence that was within the contemplation of existing legislation. A vacuous statement that amounts to “all will be well” is not sufficient to meet the requirement set forth in the HUD Notice.

26. The Commenters note that the Draft Plan does not provide any definition of “not suitable for rehabilitation,” and therefore presumably does not seek to invoke the waiver of the “one-for-one replacement” requirement for lower-income dwelling units provided in the HUD Notice. 78 Fed. Reg. at 14342. The Commenters support this decision not to invoke the waiver, and therefore assume that appropriate plans have been made to comply with the one-for-one replacement requirement of Section 104(d) of the Housing and Community Development Act of 1974 and 24 C.F.R. § 42.375.

27. The HUD Notice waives the requirement that the grantee use 30 percent of a low-income displaced person's household income in computing a rental assistance payment, if the person had been paying more than 30 percent of household income in rent/utilities without “demonstrable hardship” before the project. 78 Fed. Reg. at 14343. In order to invoke this waiver, however, the grantee must provide a definition of “demonstrable hardship,” and the Draft Plan currently does not do so. The Commenters do not advocate for creation of such a definition or invocation of the waiver, since the waiver could lead to the appearance of disparate treatment depending on the breadth of the definition, and the presumption that a renting household paying more than 30% of its income in rent and utilities is “rent burdened” should not easily be overcome.

28. In sum, the Draft Plan does not meet the HUD requirements pertaining to the housing needs of *all* New Jerseyans, regardless of economic status. The ACLU-NJ urges DCA to ensure the necessary and appropriate levels of analysis and specificity are publically provided during this process, and that changes are made to the Draft Plan to meet the needs of lower-income homeowners and renters.

REQUIRED CERTIFICATIONS

29. The HUD Notice requires that various certifications accompany the Action Plan. In particular, it requires that the grantee “certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within its jurisdiction and take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.” 78 Fed. Reg. at 143467. Federal courts have interpreted this certification requirement as demanding that the grantee must analyze “the existence and impact of race discrimination on housing opportunities and choice in its jurisdiction.” *United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester Cty.*, 495 F. Supp. 2d 375, 376 (S.D.N.Y. 2007). In identifying impediments to fair housing choice, the grantee must analyze impediments erected by race discrimination or segregation, “and if such impediments exist, it must take appropriate action to overcome the effects of those impediments.” *Id.* at 387. *See also, United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, 2009 WL 455269, No. 06 Civ. 2860 (DLC) (S.D.N.Y. Feb. 24, 2009) (granting plaintiff partial summary judgment against local government under False Claims Act for intentionally submitting false certification that it was affirmatively furthering fair housing). “Fair” housing in this context is not coterminous with “affordable” housing, and requires an explicit inquiry into impediments caused not by economic disadvantage but by racial discrimination. While the time for engaging in that assessment may have not yet arisen with regard to the federal funds covered under the Draft Plan, ACLU-NJ obviously encourages DCA to comply strictly with the substantial obligations imposed by this certification requirement.

30. The HUD Notice further requires that a grantee certify that “the Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families,” and that the aggregate use of CDBG-DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the grant amount is expended for activities that benefit such persons.” Given that HUD has waived the usual requirement that 70 percent of CDBG funds be used for the benefit of low- and moderate-income families, the Commenters encourage and expect that DCA will conform to the 50 percent requirement, and note with approval that various components of the expenditures proposed in the Draft Plan (e.g. Homeowner Assistance Programs described in Section 4.1) dedicate funds to low and moderate income households in excess of the 50% requirement. Given the exigencies of time caused by the expedited comment period, however, the Commenters are unable to analyze the Draft Plan comprehensively to express an overall opinion on whether the proposed expenditures meet the requirement.

31. The HUD Notice requires that a grantee certify that it has adopted and enforces: “(1) a policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.” 78 Fed. Reg. at 14348. Although not related to the government transparency and equal justice interests that are the major concerns of this letter, since the ACLU is the leading advocate of civil liberties including the right of free speech, and since the Constitutional Litigation Clinic has a similar mission of promoting individual liberties, they would be remiss if they did not comment favorably on this certification requirement, and express their confidence that the State will comply willingly.

CONCLUSION

32. Because of the accelerated time frame, the Commenters have been able only to note its most basic concerns on government transparency and equal justice issues in these comments. The fact that these comments focused on those concerns should not be misinterpreted to undervalue the tremendous effort and resources that obviously went into preparing the Draft Plan. All New Jerseyans share the goal of developing a plan that will bring about the expeditious and long term recovery of our State and the return to prosperity for all its residents. These comments are therefore respectfully submitted with that goal in mind.

Respectfully submitted,



Udi Ofer
Executive Director
American Civil Liberties Union of NJ



Ronald K. Chen
Clinical Professor of Law and Judge Leonard I.
Garth Scholar
Rutgers Constitutional Litigation Clinic