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## Land Use Symposium - Preface

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# LAND USE SYMPOSIUM

## Preface

The articles published in this issue of the Pace Environmental Law Review have been carefully planned. The authors have worked together to identify and analyze the critical issues presented by exclusionary zoning litigation in New York. With the substantial assistance of the Articles Editors of the Pace Environmental Law Review, the Pace University School of Law, the Taconic Foundation and the New York Land Institute, authors were identified, topics selected, initial drafts prepared, a statewide symposium held and final articles edited and published.

We address in the ensuing material a subject of great importance. The sanctity of home-rule, the role of the courts, and the provision of housing for low- and moderate-income New Yorkers are all at issue. Each will be affected by the outcome of cases pending before appellate courts in the spring of 1987. Our intent is to present a cogent and complete analysis of the issues involved in the judicial review of exclusionary zoning.

There are four articles presented in this issue. The first article, which I wrote, was written for two purposes: (1) to frame the issues and, (2) to compare the case law and the results of that law in New York and New Jersey. The second article, written by Alan Mallach, is a prodigious piece which presents a tour de force of the field, concentrating on the economics of affordable housing, the methods available to the judiciary of facilitating its construction and how practical results have been achieved in New Jersey under recent court orders. George Raymond's article, the third in the series, speaks to the planning issues involved in exclusionary zoning litigation and details how the New Jersey courts have resolved

the several enigmas of proof presented in such cases. Professor Donald Stever of Pace University School of Law concludes with an essay addressing the environmental responsibility of the courts in attempting to remedy the effects of exclusionary zoning.

The exclusionary zoning cases that have arisen in New York present, as do most intriguing legal cases, a profound perspective on modern society. The cases discussed in the following material challenge political and private sector leaders, as well as our appellate courts, to respond to critical land use and human settlement issues. These cases address issues no less poignant than the displacement of the urban poor, the segregation of neighborhoods, the location of housing in proximity to jobs, the protection of the environment, the basic fabric of local government, and the role of the judiciary in rectifying such complicated socioeconomic conditions.

John R. Nolon