TRENTON - New Jersey lawmakers approved legislation Monday to rewrite the state’s housing law to eliminate the much-criticized Council on Affordable Housing, but the future of the bill is in doubt because Gov. Chris Christie is likely to veto it for not going far enough to reduce municipalities’ often costly housing burdens.

The legislation was approved by the full Assembly by a 42-32 vote. It seeks to amend the Fair Housing Act, the law created to comply with the series of state Supreme Court decisions that said each municipality has a constitutional duty to provide housing for low- and moderate-income residents. The decisions were the result of lawsuits filed in the 1970s against Mount Laurel because its zoning precluded the development of affordable housing.

The legislation abolishes the Council on Affordable Housing, which assigns quotas of affordable housing units to each New Jersey town, and replaces it with a provision allowing towns to appoint a licensed planner as a “housing compliance professional” who will make sure the town is in compliance with its affordable housing obligations, as defined by state law.

The legislation would exempt 71 municipalities across the state from having to build additional affordable homes or apartments because more than 50 percent of their school-age children are enrolled in a free or reduced lunch program.

Six Burlington County towns are exempt: Beverly, Burlington City, Maple Shade, Mount Holly, Pemberton Borough and Pemberton Township.

The other towns will have to take steps to increase their affordable housing, albeit at greatly reduced quotas assigned to them by the state Department of Community Affairs.

The assigned quotas remain a bone of contention for some affordable housing advocates, who argue that they reduce by 71 percent the numbers of low-income units mandated to be built statewide.

For example, Mount Laurel's affordable housing quota will drop from 2,236 units to be developed over 10 years to 642.

"It's a bill that will produce affordable housing," Kevin Walsh, director of the Cherry Hill-based Fair Share Housing Center, said Monday before the vote. "Unfortunately, it won't be enough affordable housing."

Some Republican lawmakers countered that the legislation still would not relieve towns of the costly mandates created in the past by COAH and the state Supreme Court. They want towns to be able to set their own affordable housing goals and said Christie won't support the legislation as written.

"I'm convinced the governor won't sign a bill with quotas, and I'm convinced it's not in the best interest of this state," said Assemblyman Jon M. Bramnick, R-21st of Westfield.

Lori Grifa, commissioner of the Department of Community Affairs, also has said Christie will not support the bill as written.

"There are far too many elements of this (legislation) that are awfully close to COAH, and some of them mirror the failed policies of COAH," Grifa said Friday during a hearing on the bill in the Assembly's Housing and Local Government Committee.
Before going to the governor, the bill must be voted upon by the state Senate, which approved an earlier version of the legislation but not the one modified by the Assembly.

The Sierra Club also was critical of the legislation as promoting sprawl, particularly in the environmentally sensitive Pinelands and Highlands regions.

"This bill is scary. It turns planning and zoning on its head. The bill targets rural and environmentally sensitive areas for development while letting growing, suburban towns off the hook," said Jeff Tittel, director of the New Jersey Sierra Club.

Assemblyman Jerry Green, D-22nd of Plainfield, who sponsored the legislation, defended it as long sought-after reform that would eliminate COAH but also promote the development of needed affordable housing.

"New Jersey will finally have a viable housing plan for its hardworking families that is also good for business and workable for mayors," Green said in a statement. "This bill gives towns relief from COAH's unreasonable demands, offers business a much-needed break, and clears the way for housing for lower-income New Jerseyans to finally actually be built in our state. It is a sound and reasonable approach that bodes well for New Jersey's future."

In addition to eliminating the council, the legislation does away with the state's 2.5 percent fee on commercial development. It assesses a 1.5 percent fee on any residential development that does not include low- and moderate-income housing.

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