

## Mount Laurel reaches accord on affordable housing with 1,074 units

By S. Joseph Hagenmayer, correspondent Dec 12, 2016

MOUNT LAUREL — The town where New Jersey's decades-long affordable housing fight was launched is the latest municipality in Burlington County to reach a settlement for how many affordable homes and apartments it should plan for over the next two decades.

The Township Council voted 4-0 last week to approve the settlement with the Cherry Hill-based Fair Share Housing Center, which is acting as an intervener in ongoing housing litigation across the state.

The approved plan calls for the creation 1,074 affordable units in the township, but the total was reduced to 879 through credits for previously approved development.

Also, close to half the sum does not have to be achieved until 2035 rather than over the next nine years.



*David Levinsky / Staff*

*Kevin Walsh, executive director of the Fair Share Housing Center, speaks at a news conference late last month at the Richard J. Hughes Justice Complex in Trenton after the New Jersey Supreme Court heard arguments in the latest affordable housing case.*

The plan calls for the affordable units to take shape in a number of different forms, including developing low-income rental homes, group homes, purchasing market-rate homes and then subsidizing them for low-income families, and through inclusionary developments where low-income units will be built alongside market-rate houses and apartments.

The deal spares the municipality from years of litigation and gives it "some certainty" on its housing requirements for the foreseeable future, Township Attorney Tyler Prime said.

Mount Laurel's settlement is just the latest of several across New Jersey, where the Superior Court has taken over affordable housing compliance.

More than 85 New Jersey communities have brokered settlements with the Cherry Hill nonprofit. Their plans call for the creation of more than 30,000 low- and moderate-income houses, according to Anthony Campisi, a spokesman for the Fair Share Housing Center.

In Burlington County, nine towns now have reached settlements: Delanco, Edgewater Park, Florence, Maple Shade, Medford, Mount Laurel, North Hanover, Pemberton Township and Willingboro.

"We think this is a very strong plan," Campisi said about Mount Laurel's agreement. "This settlement showed there is a strong market demand for this housing in South Jersey."

The deferral of 492 units until the 2025-35 phase is one of the compromises the nonprofit made, Campisi said. The agreement also includes a large number of family and rental units, especially for very low-income families, he said.

"There are no drawbacks; we worked closely. The township and both sides made compromises," Campisi said.

While Mount Laurel is only one of dozens of settlements, it represents a symbolic milestone, as the township was the original defendant in the landmark 1975 Supreme Court case that resulted in New Jersey's affordable housing laws and requirements.

The case began when longtime resident Ethel Lawrence and the NAACP sued to overturn the town's zoning laws against high-density development, arguing that it prevented poor people from living there.

The Supreme Court ruled in Lawrence and the NAACP's favor in 1975 in a decision that declared that municipalities have a constitutional obligation to provide realistic housing opportunities for low- and moderate-income families through their zoning and land-use regulations. The landmark decision came to be known as Mount Laurel I.

Eight years later, the court handed down a second decision, Mount Laurel II, which added that each municipality should be assigned a specific obligation for affordable housing.

Two years later, the state Legislature passed the Fair Housing Act of 1985 and created the Council on Affordable Housing to administer the court's decisions. But after years of inaction by the council, the Supreme Court last year ordered that Superior Court should take over compliance.

Since the court order, hundreds of towns have been involved in litigation over the number of units they need to plan for over the next decade.

Although the township was the original defendant in the litigation, Prime said it has done its part over the ensuing decades to provide opportunities for low- and moderate-income residents to live there.

"Mount Laurel has been providing for affordable housing this whole time," he said.