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MARLBORO TOWNSHIP'S BAD FAITH EXPOSES TOWN TO HOUSING LITIGATION IN COURTS *Council finds bad faith on part of municipality while approving plans for Cresskill, Union Township*

September 8, 2010 - Trenton, NJ - In a decision issued this morning, Marlboro Township (Monmouth County), was removed from the protections of the Council on Affordable Housing (COAH) because the Council found that the municipality "consistently failed to demonstrate good faith" in meeting its housing obligations. This decision permits developers and non-profit organizations, such as Fair Share Housing Center, to obtain compliance with the *Mount Laurel* doctrine through the courts.

At the same meeting, Union Township in Union County and Cresskill Borough in Bergen County received approvals of their housing plans for the next eight years. These approvals recognize these municipalities' good faith in planning for a wide range of housing choices through realistic and reasonable measures, and protect those towns from any litigation for an eight-year period.

"Marlboro was given a dozen chances to remove exclusionary barriers to modestly priced housing and spend the over \$13 million they have sitting in the bank for that purpose. But they acted in bad faith, in sharp contrast to municipalities like Union Township that have actively planned for a wide range of housing choices," said Adam M. Gordon, the attorney who represented Fair Share Housing Center in the Marlboro proceeding. "Any effective solution to the problem of exclusionary zoning practices must separate towns like Union Township that are doing the right thing from towns like Marlboro that go to any length to shirk their obligations."

Marlboro was found to have repeatedly delayed meeting its housing obligations. Although the municipality was protected from litigation for 15 years, its housing plans were never approved by COAH due to the municipality's constant delay tactics. In 2008, former Mayor Matthew Scannapieco was sentenced to nearly two years in prison for taking bribes from developers in exchange for allowing them to get around meeting their obligations to build low- and moderate-income housing. The town then tried to sell to Trenton 332 low- and moderate-income homes, even after the Legislature banned the controversial practice in 2008. Most recently, the township filed a plan to meet its obligations that failed to meet 256 units of its fair share housing obligation.

"We will now seek appropriate remedies in court to ensure that Marlboro allows long-delayed supportive housing for people with special needs and garden apartments for families to move forward," Gordon added. "We also will work with organizations that can put the \$13 million to good use in creating homes and jobs."

Marlboro currently has sitting unspent in a bank account over \$13 million that is required to be used to build and renovate supportive housing for people with special needs and other homes affordable to low- and moderate-income people, significantly more than any other municipality in the state. Despite the availability of these significant resources to meet its obligations, Marlboro has done everything in its power to prevent housing for New Jersey's working families from being developed.

Today's decision was in response to requests for relief filed by Fair Share Housing Center and several developers seeking approvals to develop homes in Marlboro. The decision [is available here](#).

Fair Share Housing Center, founded in 1975, is based in Cherry Hill. It is the only public interest organization devoted entirely to defending the housing rights of New Jersey's poor through implementing the Mount Laurel doctrine, which requires that each municipality provide its fair share of housing affordable to low- and moderate-income people. ###