



COURT INVALIDATES FORT MONMOUTH PLAN

Requires State Agency to Provide Realistic Opportunity for Starter Homes and Apartments for Families, Seniors, and People with Special Needs

Decision will Impact Meadowlands, Pinelands, and Highlands

October 27, 2010- The Appellate Division of the New Jersey Superior Court today invalidated the the Fort Monmouth Reuse and Redevelopment Plan that was adopted by Fort Monmouth Economic Revitalization Planning Authority (FMERPA) because, the court found, the agency failed to plan for housing in the manner required by the law. As a state agency with regional planning responsibilities, FMERPA's successor, the Fort Monmouth Economic Revitalization Authority Act (FMERA), will now be required to adopt an amended plan that complies with state law by coordinating housing opportunities at a regional level, rather than at a municipal level.

Although the decision today was limited to the redevelopment of Fort Monmouth, it will impact the Meadowlands, Highlands, and Pinelands, which have similar responsibilities to plan for development and redevelopment in collaboration with municipalities. The decision impacts 158 municipalities, or approximately one-quarter of the municipalities in the state. (There are 14 municipalities under the jurisdiction of the New Jersey Meadowlands Commission; 53 municipalities under the jurisdiction of the Pinelands Commission,;3 municipalities under the jurisdiction of FMERA; and 88 municipalities under the jurisdiction of the Highlands Council.)

"Today's decision requires several state agencies, including the one that controls Fort Monmouth, to be fair when they promote development and redevelopment," Fair Share Housing Center attorney Kevin D. Walsh said. "It ensures that regional planning entities actually plan for all New Jerseyans. New Jersey's hardworking waitresses, school bus drivers, and nursing home aides deserve an opportunity to live near their jobs. Municipalities and the state cannot exclude the 40-percent of New Jerseyans who are often priced out of New Jersey's expensive housing market."

[The appellate court today found that FMERPA failed to establish a housing advisory committee as required by its enabling legislation.](#) The Court noted that "contrary to the statute's requirement, the Authority never considered a report of the housing advisory committee in preparing the plan. Nor did the Authority comply with its obligation to coordinate regional housing opportunities . . . The plan does not address the need created by non-residential development, but instead states that '[a]ny responsibility for [accommodating] future affordable housing needs resides with the municipality to which the housing obligation would be assigned or within which growth occurs.' Merely stating that it will be the municipality's obligation to meet affordable housing requirements does not satisfy the coordination requirements [of state law]. Further, the Authority's bare assertion that it intends to ensure additional growth share obligations does not satisfy its Mount Laurel responsibility to provide a realistic opportunity for affordable housing."

The effort to provide housing opportunities at Fort Monmouth is led by the Monmouth A-Team and the Housing and Community Development Network of New Jersey, which organized

Monmouth County, clergy and residents to advocate for housing for lower-income families on Fort Monmouth. FSHC thanks those organizations for their fortitude and commitment to a fair and sensible housing plan on Fort Monmouth.

Because today's decision is based in the state constitutional requirement of the *Mount Laurel* doctrine, it will remain in effect regardless of any legislative changes to the Fair Housing Act currently being considered by the Legislature.

[The Appellate Division's 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.

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