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## **COURT INVALIDATES DISCRIMINATORY COAH REGULATIONS**

### ***Ensures that Municipalities Cannot Ban Starter Homes Through Regulations***

**October 8, 2010 - Trenton** - The Appellate Division of the New Jersey Superior Court today held that the Council on Affordable Housing (COAH) has done too little to remove regulatory barriers to housing affordable to low- and moderate-income people, and ordered development of a new housing policy for the state.

"Today's decision is a victory for New Jersey's families, seniors, and people with special needs. The court held that COAH's rules simply do not do enough to produce homes and jobs on the ground in New Jersey," Fair Share Housing Center attorney Kevin D. Walsh said. "This is a message that it's time to move past the game of trying to block starter homes, especially when we need economic development in New Jersey."

The court held that:

- Exclusionary zoning practices that ban townhouses and apartments even when developers are ready and able to build them, and no environmental constraints exist, are unconstitutional.
- COAH should return to a longstanding and proven system that worked - the rules in place during the 1980s and 1990s that produced 60,000 homes affordable to low- and moderate-income people and another 100,000 homes affordable to the middle-class workforce. A 2009 national study by the Lincoln Institute for Land Policy found that when these rules were in place, New Jersey successfully held down costs in home prices for middle-class homebuyers.
- Paper plans - that simply promise that at some point in the future homes will happen, but leave exclusionary policies in place in the meantime - are unconstitutional.

The court rejected all arguments raised by municipalities that COAH required too much, rather than too few homes, and found for advocates and private sector developers who argued that the regulations were unlawful.

The court required COAH to adopt new and constitutional regulations within five months.

The decision is available here: <http://www.judiciary.state.nj.us/opinions/a5382-07a5404-07etal.pdf> .

Further analysis of today's decision will be available at [www.fairsharehousing.org/blog](http://www.fairsharehousing.org/blog).

**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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