

## SENATE BILL LETS WEALTHY TOWNS OFF THE HOOK WHILE DEMANDING MORE OF RACIALLY, ECONOMICALLY DIVERSE TOWNS

*Caldwell, Roseland, and Verona Get a Pass while Legislation  
Demands More from Maplewood and South Orange*

**June 7, 2010 - Trenton, New Jersey-** Legislation that cleared a Senate committee last week and is scheduled for a vote of the full Senate this Thursday says that many less racially and economically diverse municipalities, such as Caldwell, Roseland, and Verona, have provided sufficient affordable housing while many other more diverse municipalities have not. Senate Bill S-1 exempts many wealthier municipalities in New Jersey while requiring Maplewood and South Orange to provide more affordable housing and permitting developers to sue those municipalities if their development proposals are rejected.

The proposal has drawn criticism from municipal officials and housing advocates alike. Maplewood Mayor Vic De Luca said, "Our town has housing for all income ranges and we will continue to rehabilitate and build affordable housing within our borders. Maplewood is doing its fair share and so should others. State policies should not exempt towns, some wealthier than us, from meeting their obligations and at the same time, demand that we do more."

Under S-1, municipalities can be forced to rezone property for high-density housing simply because one-third of the housing in the municipality does not consist of apartments or townhouses. Based on this standard, New Jersey's wealthier communities can be deemed "inclusionary" and excluded from rezoning requirements even if the houses in those municipalities are not affordable. A municipality could be exempt from additional housing obligations based exclusively on having townhouses that sell for a half-million dollars or more.

"New Jersey's housing policies have always distinguished between municipalities that should have substantial obligations and those that should have little or no obligations," Fair Share Housing Center Staff Attorney Kevin Walsh said. "S-1 asks the towns that have already done the most to do even more while giving a pass to those that have excluded starter homes, have expensive housing markets, and have the most job growth. It makes no sense."

S-1 passed the Senate Economic Growth Committee on Thursday despite the text of the legislation not being available to the public. The committee chair, Sen. Raymond Lesniak (D-Union), who is also the main sponsor of the bill, refused to allow any public testimony from dozens of people who had traveled from all over the state to Trenton to attend the hearing. The text of the bill did not become available to the public until more than a day after the vote. Also, the nonpartisan Office of Legislative Services has stated that the bill is likely unconstitutional.

The full list of municipalities deemed "exclusionary" and "inclusionary" is available at Fair Share Housing Center's web site, [www.fairsharehousing.org](http://www.fairsharehousing.org).

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 affordable housing to low- and moderate-income people. ###