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COAH SUED BY NAACP BRANCHES FOR THREE-YEAR DELAY IN RELEASE OF FAIR SHARE NUMBERS

COAH's Delay Threatens Constitutional Implementation of Mount Laurel Doctrine throughout New Jersey

All 566 Municipalities Will Be Affected

Trenton, New Jersey- On June 19, 2002, the Southern Burlington and Camden County Branches of the NAACP and Fair Share Housing Center (FSHC) will file a lawsuit at the Appellate Division in Trenton that challenges three years of inaction by the New Jersey Council on Affordable Housing (COAH).

Those parties contend that COAH is violating the law by failing to distribute fair share housing obligations for the period 2000-2010, which is known as the COAH "Third Round." COAH was required by law to distribute those fair share obligations in 1999, but has failed to do so.

The NAACP Branches and FSHC anticipate that the decision they receive from the Appellate Division, which could be issued in less than a month, will force COAH to issue regulations that require all 566 municipalities to provide more opportunities for affordable housing. Those parties contend that COAH's present regulations are stale because they are based on need figures from 1993 to 1999.

The NAACP Branches and FSHC are asking the Appellate Division to order COAH to do what it is required to do pursuant to the Fair Housing Act of 1985, which requires COAH to determine the regional and statewide need for affordable housing and to distribute that need among all 566 New Jersey municipalities.

"Thousands upon thousands of units of affordable homes are being delayed because COAH is sitting on its hands," said FSHC Executive Director Peter J. O'Connor, an attorney who has represented the Mount Laurel plaintiffs, including the NAACP Branches, since the inception of the Mount Laurel litigation in May 1971. "The planning and building process takes years to get through. COAH's delay from 1999 through now will prevent affordable housing that could have been constructed in 2000 from being built until 2004 or 2005. That is unconscionable and violates the state constitution."

O'Connor noted that the three-year delay especially hurts municipalities like Camden and Newark, which house thousands of times more people with low-incomes than their fair share obligation requires. O'Connor noted further that municipalities that adjoin most of New Jersey's cities have showed increasing signs of social and economic stress. "If I was the mayor of any municipality near Camden or Newark, I would be doing my best to make sure that COAH provides as many opportunities for regional affordable housing as possible. COAH's inaction has hurt at-risk inner-ring suburbs by further concentrating poverty and racial segregation in New Jersey's troubled inner cities."

O'Connor noted that COAH has developed a Third Round methodology but for undisclosed reasons has refused to adopt regulations that implement it. FSHC has requested the documents from COAH explaining the agency's plans for the Third Round fair share obligations and is expecting a response from COAH soon.

The case has been filed with the Appellate Division, not in a trial court, because pursuant to the Rules of Court appeals from inaction by a state agency are taken to the appellate court. The NAACP Branches and FSHC simultaneously filed a motion for summary disposition. COAH is required to respond in ten days. the NAACP

Branches and FSHC anticipate that a decision may be issued within a month by a two- or three-judge panel of the Appellate Division.

Although COAH has discretion to alter the method by which it distributes Third Round fair share obligations, and although only COAH knows what the Third Round obligations will be, FSHC, based on the formula used by COAH through 1999, has estimated that, for example, the following municipalities at minimum will have increased fair share obligations for the Third Round, as follows:

Egg Harbor Twp. (Atlantic)	approx. 700
Galloway Twp. (Atlantic)	approx. 341
Ridgewood Village (Bergen)	approx. 264
Paramus Borough (Bergen)	approx. 582
Upper Saddle River Borough (Bergen)	approx. 172
Cherry Hill Twp. (Camden)	approx. 1543
Voorhees Twp. (Camden)	approx. 397
Cinnaminson Twp. (Burlington)	approx. 292
Mount Laurel Twp. (Burlington)	approx. 699
Moorestown (Burlington)	approx. 576
Washington Twp. (Gloucester)	approx. 453
Woolwich Twp. (Gloucester)	approx. 179
Clinton Twp. (Hunterdon)	approx. 327
Hopewell Twp. (Mercer)	approx. 470
West Windsor (Mercer)	approx. 774
South Brunswick (Middlesex)	approx. 781
Woodbridge Twp. (Middlesex)	approx 1126
Howell Twp. (Monmouth)	approx. 924
Middletown Twp. (Monmouth)	approx. 1402
Bernards Twp. (Somerset)	approx. 460

Those figures are in addition to any unmet obligation from the first (1987-1993) and second (1993-1999) fair share rounds.

Both NAACP Branches are plaintiffs in the original Mount Laurel lawsuit, which was filed on May 1, 1971. It resulted in the historic Mount Laurel I and II decisions. Both NAACP chapters also are plaintiffs in sixteen-year old litigation against Cherry Hill Township entitled Fair Share Housing Center, Inc. v. Township of Cherry Hill, and were involved recently in appeals before the New Jersey Supreme Court. An appeal against Cherry Hill involving the redevelopment of the former Garden State Racetrack was argued April 30, 2002. The NAACP Branches also appeared as "friends of the Court" in the November 2001 argument in Toll Bros. v. West Windsor. Decisions in both cases are expected to be issued by the Court soon.

As the defenders of the civil rights of African Americans and other minorities and the local representatives of the nation's oldest and largest civil rights organization, the NAACP Branches have played a special role in preserving and advancing the constitutional rights of low- and moderate-income New Jerseyans, a group that disproportionately includes racial minorities who live in economically- and racially-segregated ghettos throughout New Jersey's cities.

Fair Share Housing Center has worked to protect and advance the housing rights of New Jersey's poor since 1975. The Center is the only public interest organization dedicated solely to the preservation and growth of the Mount Laurel doctrine as a tool for social change.

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