



FAIR SHARE HOUSING CENTER
510 Park Boulevard
Cherry Hill, New Jersey 08002
P: 856-665-5444
F: 856-663-8182

CONTACT: Kevin D. Walsh
856-665-5444
cell: 609-332-6244
kevinwalsh@fairsharehousing.org

PRESS RELEASE

May 21, 2007

COURT FINDS MEADOWLANDS COMMISSION MUST COMPLY WITH MOUNT LAUREL

Victory for lower-income families expected to result in thousands of units of affordable housing as part of massive Meadowlands development plan

Trenton, New Jersey- In a decision issued today, an appellate court ordered the New Jersey Meadowlands Commission (NJMC) to comply with the Mount Laurel doctrine by creating affordable housing as part of a plan to bring 57,000 new jobs to the Meadowlands. Responding to an appeal brought by Fair Share Housing Center (FSHC), the Appellate Division of the New Jersey Superior Court found that the NJMC's approach to affordable housing "frustrates legislative policy and violates the Constitution."

The NJMC argued that it did not have an obligation to plan and zone for affordable housing in the District. Rejecting that argument, the court found that when "the State entrusts one of its agencies with complete control over the planning and zoning of a vast amount of land, approximately 21,000 acres," that agency is not free to "exercise its authority without taking affirmative steps to ensure adequate affordable housing."

Echoing the Mount Laurel I and II decisions of the New Jersey Supreme Court in 1975 and 1983, the three-judge panel found that the NJMC has "a constitutional responsibility to plan and zone for affordable housing." The decision also directed the NJMC to no longer discriminate against families with children, a practice the NJMC adopted in an effort to reduce the costs of educating children.

"This is a great victory for the hundreds of thousands of families who can't afford New Jersey's expensive housing market," said Kevin D. Walsh, the attorney who argued the case for FSHC. "Housing that is being built in the Meadowlands is close to jobs and transportation. If police officers, janitors, waitresses, and secretaries can work in the many office parks and malls being built in the Meadowlands, they should be able to live there with their families. This has been the law in New Jersey since 1975 and it shouldn't have taken a lawsuit to make the Meadowlands Commission meet its clear legal obligations."

This decision is the second time this year that a court found the Corzine Administration's housing rules to be unconstitutional. In January 2007, the Appellate Division invalidated the Council on Affordable Housing's (COAH) Third Round rules for determining how towns comply with their Mount Laurel affordable housing obligations. In that decision, the court found that COAH eliminated 100,000 affordable housing units without adequate reasoning and that its regulations discriminated against families with children. The appellate court required COAH to adopt new regulations by July 25, 2007, but COAH announced last week that it will not comply with that deadline and has asked for an extension until February 2008 to adopt regulations that should have been in place in 1999.

Earlier this year, more than a dozen organizations advocating for affordable housing and civil rights leaders asked Governor Corzine to help fix the Third Round regulations and to end the Third Round delays, but they received no response. "Governor Corzine has claimed to be an advocate for affordable housing but has not matched his rhetoric with any action," Walsh said. "First, COAH's rules were found to be unconstitutional. Now the Meadowlands rules on affordable housing have been

found to be unconstitutional. When will the Corzine Administration awaken to our state's affordable housing crisis?"

The Corzine Administration promised to release its plans for the development or preservation of 100,000 affordable units by the end of 2006, but to date nothing has been released.

The zoning regulations challenged by FSHC were adopted by the NJMC in January 2004. Oral argument on this appeal was held on April 24, 2007 before Judges Coburn, Coleman, and Gilroy of the Appellate Division, which is the state's intermediate court.

In today's decision, the court remanded the case to the NJMC and instructed it to adopt new regulations once the revised Third Round regulations are adopted by COAH. Thus, the ongoing delay by COAH, if allowed by the court, will also delay the construction of affordable housing in the Meadowlands District. The Appellate Division instructed the NJMC to consider whether further development in the Meadowlands should be enjoined pending the release of new regulations to ensure that available resources that could be used for affordable housing are not lost.

The decision issued today by the Appellate Division also decided an appeal filed by the New Jersey Builders Association against the NJMC and the New Jersey Sports & Exposition Authority.

Fair Share Housing Center, founded in 1975, is the only public interest organization devoted entirely to defending the housing rights of New Jersey's poor through implementing the Mount Laurel doctrine.

The decision by the Appellate Division is available on the state judiciary's website at <http://www.judiciary.state.nj.us/opinions/index.htm>.

###