



New Jersey Supreme Court Decides to Hear Housing Appeals Court Will Review Lower Court's Decision Finding Housing Regulations Inadequate

For immediate release

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Trenton, New Jersey - March 31, 2011 - The New Jersey Supreme Court has decided to review the October 8, 2010 Appellate Division decision that invalidated the Council on Affordable Housing's (COAH) flawed Third Round regulations. The Court's decision is in response to requests filed by thirteen municipalities and the New Jersey League of Municipalities that want the Court to relieve them of the obligation to provide zoning for starter homes for New Jersey's working families. The municipalities have the support of the Christie Administration, which has called for allowing wealthy municipalities to build walls that exclude working New Jerseyans, seniors, and people with special needs.

In a brief filed with the Court, the Christie Administration supported policies that will allow towns to abuse their powers and exclude working people by prohibiting all housing from being built or only allowing large, expensive housing on large lots in the same towns where significant job growth is expected.

"We are optimistic that the Supreme Court will again hold that municipal zoning may not be used to block the market for starter homes," FSHC Associate Director Kevin D. Walsh said. "For over three decades, New Jersey towns have been required to allow homes for working families, seniors, and people with special needs. Zoning that allows a fair share of starter homes is fair and good for our state and our economy. Wealthy towns should not be allowed to build walls and stifle the economy by abusing their home rule powers."

A recent [study](#) released by the Christie Administration found that over 80 percent of residentially zoned land in Route 1 Corridor towns like Princeton and West Windsor required minimum lots of one-half acre or greater. This kind of restrictive zoning, which the Christie Administration supports, means that only one out of every thirteen workers will be able to live anywhere in the corridor. Such exclusionary zoning remains a serious impediment to a stronger economy and a more racially and economically integrated New Jersey.

In decisions issued in 1975 and 1983 in litigation against Mount Laurel Township that was brought by two branches of the NAACP, the Supreme Court prohibited New Jersey's wealthiest municipalities from using unfair land use regulations that exclude all but the wealthy. Those decisions were reaffirmed by the Supreme Court in subsequent decisions in 1986, 1993, and 2002. The Legislature complied with the court decisions by passing the Fair Housing Act of 1985, legislation that remains on the books today. The most recent efforts to change this longstanding legislative scheme failed in January 2011 when Governor Christie vetoed a bill that would have implemented a new approach that was opposed by the state's wealthiest municipalities..

The Appellate Division's October 8, 2010 decision held that COAH had given municipalities too much leeway, allowing them to avoid their constitutional obligation to provide realistic opportunities for lower-income people to find homes. The Appellate Division decision resulted from appeals by Fair Share Housing Center and major private sector groups including the New Jersey Builders Association and the National Association of Industrial and Office Properties, New Jersey Chapter. The decision would require COAH's to end its decade of delay in coming up with constitutional and effective regulations.

The orders issued today granted all petitions and cross-petitions filed by parties to the litigation before the Appellate Division. The orders are available [here](#). COAH's brief 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 affordable housing to low- and moderate-income people.