

Highlights of NJ's Affordable Housing Regulations from 1975 – 2017

1. The New Jersey Supreme Court, in *Mount Laurel I* (1975) and *Mount Laurel II* (1983) decided that town's land use rules that prevent affordable housing for the poor are unconstitutional. All NJ towns were ordered to zone for and take action to provide their 'fair share' of the area's need for affordable housing.
2. *Mount Laurel II* (1983) also created mechanisms like the 'builder's remedy, which lets a developer file suit against a town to change zoning on a site to permit residential complexes if the developer shows the town is not complying with its affordable housing quota and reserves 20% of the development for low and moderate income housing.
3. In 1985, the NJ Legislature passed the *Fair Housing Act*, which created the Council on Affordable Housing (COAH) to determine the statewide need for affordable housing, allocate the need on a municipal 'fair share' basis, and approve town's plans to implement its quota, protecting the town from Builder's Remedy lawsuits.

The *Fair Housing Act* also created the Regional Contribution Agreement system (RCA) which lets towns pay to reduce their quota in half by funding housing in inner cities.

4. The *Fair Housing Act* provided for COAH to come up with town's quotas every 6 years for Rounds 1 and 2. The period for Round 3 was 10 years. COAH was originally supposed to release the Third Round rules in 1999. However the regulations were not adopted until 2008. During this time, the Legislature also stopped Regional Contribution Agreements (RCAs) and placed quotas on every individual town.
5. In 2015 the NJ Supreme Court, based on claimed ineffective enforcement of COAH regulations, moved jurisdiction over affordable housing from the executive branch to the courts. This effectively dismantled COAH.
6. In January 2017 the NJ Supreme Court ruled that towns have to satisfy quotas from 1999 through 2015 when COAH's Third Round rules were not fixed. In addition the Fair Share Housing Center released a new report on NJ's housing need saying the state must satisfy a quota of over 140,000 affordable homes between 1999 and 2015. This is in addition to each town's quota after 2015.

https://en.wikipedia.org/wiki/Mount_Laurel_doctrine

NJ Digital Legal Library – Mount Laurel Material
Rutgers University Library for the Center for Law & Justice
<http://njlegallib.rutgers.edu/mtlaurel/>

NJ on the hook for thousands more affordable housing units, Supreme Court Says
NJ.com – January 18, 2017

http://www.nj.com/ocean/index.ssf/2017/01/nj_on_the_hook_for_200k_affordable_housing_units_s.html