



Supportive Housing Association of NJ

NJ Supreme Court Hearings on COAH New York Times on Mount Laurel

Battle Over Governor's Powers Underscores Importance of Upcoming Supreme Court Fight

*Court hearing on Christie's right to unilaterally abolish
Council on Affordable Housing has constitutional and
budgetary implications*

Read an insightful article on issues at
<http://www.njspotlight.com/stories/13/01/28/battle-over-governor-s-powers-underscores-importance-of-upcoming-supreme-court-fight/>

At yesterday's oral argument at the New Jersey Supreme Court, attorneys from Fair Share Housing urged the Court to uphold the Appellate Division's decision because permitting Governor Christie to abolish the Council on Affordable Housing (COAH) would allow him to impose housing policies that will harm lower-income families, people with special needs, and seniors, something the Legislature and constitutional framers never intended to allow.

The Assistant Attorney General representing Governor Christie argued that the governor has the power to abolish nearly all independent agencies, such as ELEC, the Pinelands Commission, and the Board of Public Utilities, thus changing the balance of power among the branches of government. You can view yesterday's oral argument here
<http://www.judiciary.state.nj.us/webcast/archive.htm>

Below is an editorial from Tuesday's New York

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Times which can be found at

<http://www.nytimes.com/2013/01/29/opinion/the-mount-laurel-doctrine.html? r=0>

The Mount Laurel Doctrine

The New Jersey Supreme Court's 1983 ruling in the Mount Laurel fair-housing case is rightly regarded as one of the most important civil rights decisions of modern times. The ruling, which greatly influenced fair-housing policy across the nation, limited the use of exclusionary zoning as a means of preventing the construction of affordable housing in wealthy communities.

The result was to encourage the construction of low- and moderate-income housing in the suburbs, giving less-well-off families access to starter homes, crime-free neighborhoods, good schools and solid jobs that are beyond the reach of people in the inner cities. Yet despite its clear benefits, Gov. Chris Christie and some wealthy communities have sought to weaken the law in two cases now before the court. The court should strongly reaffirm it.

The case dates back to the late-1960s, when a group of low-income African-Americans found themselves priced out of the increasingly expensive suburb of Mount Laurel, not far from Philadelphia. They sued after local authorities barred the construction of a small affordable-housing project. The court ruling, known as the Mount Laurel doctrine, not only barred localities from excluding affordable housing but said they had an affirmative obligation to provide zoning that allows a "fair share" of such housing based on growth, employment opportunities and income. "If sound planning of an area allows the rich and middle class to live there, it must also realistically and practically allow the poor," the court said. "And if the area will accommodate factories, it must also find space for workers."

According to Douglas Massey, a sociologist at Princeton University, the Mount Laurel approach has led to the creation of 60,000 homes for low- and moderate-income working families, with another 40,000 units in the pipeline. He and his colleagues compared

current and former residents of the Ethel Lawrence Homes, a Mount Laurel development that opened in 2000, with similar families who had applied for housing but wound up elsewhere.

The study found that the development's residents had higher rates of employment and family income and significantly lower rates of welfare dependency. They were also more closely involved in educating their children, who did well academically, even though they had moved to more competitive schools. Surrounding property values did not go down, and taxes did not go up. The development blended in so well with the surrounding area that many people were not aware that it existed.

On Monday, Mr. Christie asked the court for permission to dismantle the independent state agency that oversees the Mount Laurel process and move its functions into the executive branch. This would defeat the will of the State Legislature, which intended the agency to be exempt from tampering and political pressure exerted by the executive.

Another case argued before the court in November focuses on a new approach to the "fair share" calculation favored by the governor and wealthy towns that would essentially allow localities to decide for themselves how much affordable housing would be built. The Fair Share Housing Center, an advocacy group, noted in a brief that the proposal would free hostile municipalities to build "very few homes, or no homes at all."

This would turn back to the clock to a time when communities could openly discriminate against poor and working-class residents. The court should reaffirm its 1983 decision, which held that municipalities had an obligation, through zoning, to help meet their region's need for affordable housing.

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