

NEW JERSEY BUILDERS ASSOCIATION



Delaware Housing Coalition Conference

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History of Mt. Laurel Decisions

MOUNT LAUREL I

NJ Supreme Court held that zoning ordinances making it physically and economically impossible to provide low and moderate income housing were unconstitutional.

FAIR HOUSING ACT

NJ Legislature established Council on Affordable Housing (COAH) to monitor affordable housing and municipal planning

2nd ROUND RULES ADOPTED

RULES OVERTURNED

Portions of COAH's 3rd round rules overturned by Appellate Court

1975	1983	1985	1987-1993	1994-1999	2004	2007	2008
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MOUNT LAUREL II

NJ Supreme Court created fair share formula to measure affordable housing obligation, and created a "builder's remedy".

1st ROUND RULES ADOPTED

Substantive rules adopted by COAH to allocate municipal fair share

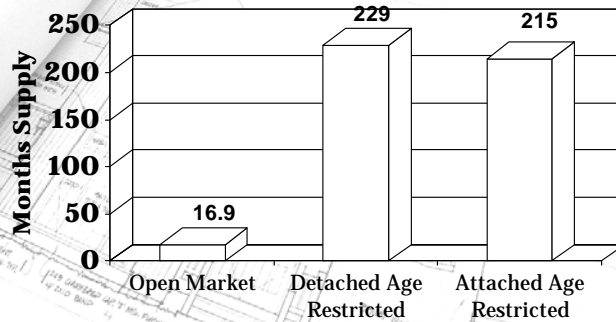
3rd ROUND RULES ADOPTED

REVISED 3rd ROUND RULES ADOPTED*
(* In 2009, a legal challenge was filed to overturn the rules again.)

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NJ Housing Market Surplus

NJ Unsold Housing Inventory By Market Segment



Indicates a 19-year supply

(Source: Otteau Valuation Group, Inc. "Market Study of New Jersey Age Restricted Housing", January 2008)

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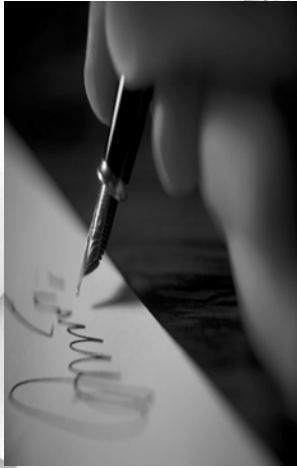
Age Restricted Communities Act


- Incentivizes conversion of age-restricted projects into market rate by municipal approving boards
- Provides for flat 20% affordable housing set aside
- Converted developments must conform to:
 - site improvement standards
 - building codes
 - requirements for, and limitations on, size and square footage; and
 - environmental protections
- Allows for municipal consideration if conversion would be "detrimental to the public good"
- Directs courts to consider "the reasonableness" of the approving board's decision



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End Results



- After conditional veto by Governor, passed Senate 21-13
- Passed Assembly 46-28-4
- Signed into law on July 2, 2009
- P.L. 2009, c.82 
- To date, approximately **15** projects have been approved for conversions

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