

EBLAST FROM WARREN TOWNSHIP

Warren Township NJ Municipal Complex



AFFORDABLE HOUSING - PAST & FUTURE - IN W.T.

On March 10, 2014, the NJ State Supreme Court ruled that the Council on Affordable Housing, (COAH), which is the State Agency created in 1995 by the Fair Housing Act to provide municipalities with an alternative to administer their constitutional affordable housing obligations, had failed to implement a current affordable housing strategy. The Supreme Court shifted this responsibility from the COAH to the court system.

In 1974 and 1983, the NJ State Supreme Court issued rulings commonly known as "Mt Laurel I and II" and held that NJ municipalities had a constitutional obligation to provide for their "fair share" of affordable housing. These cases coined the term, "Mt Laurel Housing" which, in reality, is affordable housing.

Warren Township was involved in Mt. Laurel litigation commencing in 1979 in a case known as "AMG Skytop vs. Warren Township". This case resulted in a determination that Warren's obligation was to provide 900 affordable units and, under the "builders remedy" formula (1 affordable unit for every 5 units), would have resulted in 4,500 condo-style homes being constructed in what is now the Greenwood Meadows Development. This case also established the state-wide methodology for determining a community's affordable housing obligation.

After the adoption of the Fair Housing Act in 1985, the Township Committee was able to have the AMG Skytop case transferred to COAH. An affordable housing plan was submitted to COAH and approved in March, 1988, which resulted in the construction of:

- 1) A 57 unit development called Woodland Acres;
- 2) 60 affordable apartments at Whispering Hills and 28 affordable apartments at Liberty

Village at Greenwood Meadows;

- 3) The Township transferred 166 units of its overall obligation to the City of New Brunswick under a Regional Contribution Agreement (RCA); and**
- 4) 60 units of Housing Rehabilitation.**

In 1996, during the second round of Mt Laurel, the Township entered into an agreement with the City of Perth Amboy to transfer 85 units under an RCA. The Township was not required to construct any new affordable housing units within Warren Township at that time.

COAH should have adopted new rules in 1999 but, after numerous legal challenges to the 3rd Round Rules, never adopted a set of Rules acceptable to the courts. This is the reason why the Supreme Court transferred all affordable housing issues back to courts and removed all affordable housing powers from COAH. It should also be noted that RCA's are no longer an option as the State legislature amended the Fair Housing Act to remove this option.

Under the guidance of the Township Attorney, Jeffrey Lehrer and our Township Planner, John Chadwick, the Township Committee has been preparing the necessary documents to ensure our compliance with the NJ Supreme Court Order.

On July 7, 2015, the Township Committee filed the appropriate legal actions to have the court assume jurisdiction over Warren's 3rd Round affordable housing obligation with the Superior Court in Somerset County. If the Township Committee had not chosen this course of action, it would have been exposed to a "Builders Remedy" lawsuit which would likely have resulted in a requirement to construct significantly more housing than required. This process is allowing the Township Committee to control its affordable housing obligation, with the guidance of the courts.

The Township did receive a Builder's Remedy lawsuit in a case entitled "Chase Warren, LLC vs. Warren Township", in which the developer sought the construction of 1,200 apartments near Exit 36 on Route 78 off Mountain Avenue and King George Road. This suit has been dismissed by the court since the Township is participating in the affordable housing process.

In recent years, the Township has taken a variety of actions to comply with its affordable housing requirements, including:

- 1) Entering into an agreement with Ferrugia Associates to extend the affordability controls at the Whispering Hills apartments for 30 years, or until 2042;**
- 2) Extending the controls at Woodland Acres for an additional 30 years until 2042;**
- 3) The Township has required through its land use boards, that residential developments which have received land use approvals within the past 10 years include an affordable housing set-aside in order to minimize future affordable housing impacts. These developments include but are not limited to:**
 - a) The Promenade off Washington Valley Road - 42 affordable units**

- b) Mt Bethel Village, Mt Bethel Rd - 41 units
- c) Bright View, Mt. Bethel Rd - 11 units
- d) Chelsea I, Mt Bethel Road - 8 units.

4) The Township has also donated property to certain non-profit housing entities such as Cooperative Housing Corporation and Cerebral Palsy of NJ who have constructed affordable housing within the Township.

5) A total of 65 housing units have been rehabilitated by the Township since 1989. These units assist in meeting the Townships Affordable Housing obligations.

The 2015 Township Committee is considering satisfying a substantial portion (if not all) of the Township's 3rd Round affordable housing obligation through the construction of a Township sponsored project on land currently owned by the Township. The specific site is currently under discussion.

It is the goal of the Township Committee to provide for the Township's affordable housing obligation yet limit the number of overall housing units to only those required by the court to meet its affordable housing obligation. Focusing on a municipally-sponsored project to meet most, if not all, of the Township's affordable housing obligation has the potential of minimizing or even eliminating the ability of developers to compel a "builder's remedy" in the court through the construction of high density residential developments (in which upward of 5 market rate units could be constructed for every affordable housing unit constructed.)

The Township Committee is directing its professional staff to take any and all actions required to accomplish this goal.

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