



How a Mercer County Affordable Housing ruling impacts Warren Township

Superior Court Judge Mary C. Jacobson's recent ruling in a Mercer County case involving Princeton and West Windsor is of particular importance and is expected to influence Fair Share Housing negotiations in Warren and across the state.

Judge Jacobson clarified the various factors (including, existing household size and wealth, projections of job opportunities and population growth, and calculations of acreage available for development) that were to be weighed in determining Princeton's and West Windsor's affordable housing obligations. The [Judge's 217-page ruling](#) sets the standards for courts to assess whether a town's agreement with Fair Share Housing Center passes legal muster.

For more than three decades, the state has endeavored to force all New Jersey's 565 municipalities to provide more housing for low- and moderate- income families. The Council on Affordable Housing (COAH) was created by the legislature in 1975 to manage that effort and guide towns in meeting its affordable housing goals.

Over the decades, COAH had some success, but confusion over the rules and administrative conflicts with other state agencies led to municipal inaction, opposition and lawsuits, ultimately leading to COAH's demise.

In 2015, the New Jersey Supreme Court determined COAH had failed and that the courts would oversee towns' affordable housing obligation going forward. The High Court set deadlines for towns to negotiate with the nonprofit housing advocacy group Fair Share Housing Center, also founded in 1975. Over the years, Fair Share Housing had often litigated against towns to force the development of affordable housing.

Since 2015, the courts have approved quite a few municipal agreements negotiated with Fair Share Housing. In other cases, Warren Township's being one, negotiations with Fair Share Housing have progressed more slowly as towns have waited for the courts to clarify the process to determine a municipality's affordable housing obligation.

The Township Committee has fought for a fair assessment of Warren's affordable housing obligation since the beginning. A precedent-setting 1979 decision, "AMG Skytop vs Warren Township" was an early outcome of our struggle against overreaching by the state and housing advocates. Nearly 40 years later, we continue to seek a fair assessment of our affordable housing obligation while minimizing the impact of development on our residents.

The Township Committee is discussing the effects of the Jacobson Decision with the Township Attorney in order to determine the impact on the Township. The Township Committee continues to work diligently to develop the most appropriate plan to maintain the quality of life in Warren Township.

Warren Township fulfilled its obligation to provide affordable housing in Round 1 of the Council Affordable Housing process beginning with its approval in March of 1998 and again completed its obligation for Round 2 in 1996. The Township continued to provide affordable housing through such projects as the Promenade, Mt. Bethel Village, Brightview, and extending affordable housing controls at Whispering Hills Apartments and Woodland Acres.

The Township Committee understands its responsibility to provide affordable housing and continues to fulfill its obligations.

Read the entirety of the Judge's decision [here](#).

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