



American Planning Association  
**New Jersey Chapter**

*Making Great Communities Happen*

## **Principles on Affordable Housing**

The New Jersey Chapter of the American Planning Association (“APA New Jersey”) recognizes that the **Mount Laurel doctrine**, a significant judicial doctrine of the New Jersey State Constitution, requires that municipalities use their zoning powers in an affirmative manner to provide a realistic opportunity for the production of housing affordable to low- and moderate-income households. We support Justice LaVecchia’s January 2017 opinion, where the NJ Supreme Court welcomed the legislature to re-approach the affordable housing issue: *“We recognize, as we have before, that the Legislature is not foreclosed from considering alternative methods for calculating and assigning a municipal fair share of affordable housing, and to that end, we welcome legislative attention to this important social and economic constitutional matter.”*

We also know that in requiring affordable housing, New Jersey Supreme Court Chief Justice Wilentz in 1983 cautioned that our State Constitution *“does not require bad planning. It does not require suburban spread. It does not require rural municipalities to encourage large scale housing developments. It does not require wasteful extension of roads and needless construction of sewer and water facilities for the out-migration of people from the cities and the suburbs. There is nothing in our Constitution that says that we cannot satisfy our constitutional obligation to provide lower-income housing and, at the same time, plan the future of the state intelligently.”*

APA New Jersey implores the state to recognize that it not only has an obligation to provide affordable housing units but also that it must seize the opportunity to ensure better planning outcomes as we look toward the future. The process and reducing costs are very important but ensuring that our communities grow more responsibly should be the goal. We strongly encourage the Legislature to elevate the role of land use planning. Providing the guidance and resources municipalities need toward planning where and how they will meet their obligations will provide better outcomes while also continuing to move more units into the market, which is what we need.

We therefore hold to the following principles:

- Every municipality has an affirmative obligation to provide realistic opportunities for affordable housing. Local comprehensive plans, zoning ordinances and capital improvement programs should incorporate this obligation and be adopted consistent

with regional plans and the State Development and Redevelopment Plan.

- The need for affordable housing should uphold the environmental protections given to wetlands, flood plains, steep slopes, stream buffers that protect water supplies, ocean-fronts, endangered species habitats, and other critical environmental sites. Homes should only be planned or built where water supply or wastewater treatment can be made available.
- New housing should be located in areas with existing or planned infrastructure and where jobs are to reduce future service costs and the carbon footprints and pollution associated with automobile commuting.
- The process of determining affordable housing obligations should not begin in the courts. Affordable housing is an important public policy that must be placed in the hands of officials who are accountable to the public and act transparently and equitably.
- Any administrative solution must consider current and future trends in New Jersey – planning is a forward-thinking effort – and does not rely solely on past conditions, methodologies, or outcomes. This is our opportunity to ensure that New Jersey remains the place where current and future generations can live, work, and raise a family.

With our motto of “Making Great Communities Happen,” APA New Jersey stands ready to work with the Legislature and Governor to draft, enact, and implement legislation that will meet the principles listed above and ensure affordable housing is planned, built, and occupied in compact, equitable, resilient, and sustainable mixed-use communities that enhance the lives of all New Jerseyans.