

November 28, 2023

Dear Governor Murphy, Senate President Scutari, and Assembly Speaker Coughlin,

New Jersey's landmark *Mount Laurel* Doctrine outlaws exclusionary zoning and requires all towns to create a realistic opportunity for their fair share of affordable housing. In one of the country's most segregated states, these laws play a critical role in shaping a stronger future that includes everyone.

Thanks to current enforcement of the Doctrine, New Jersey is developing more affordable housing than ever before. Since 2015, when the New Jersey Supreme Court put an end to the dysfunction of the Council on Affordable Housing (COAH), New Jersey's annual affordable housing production has nearly doubled—providing safe and healthy housing to more than 50,000 people over the last eight years.

New Jersey's construction of affordable housing has also strengthened our economy. In 2015, New Jersey had a higher unemployment rate than Connecticut, New York, and Pennsylvania; today our unemployment rate is at least a half-point lower than all of these states and almost all economic development grants awarded by the state have a strong affordable housing component.

At a time when New Jersey is facing an unprecedented housing crisis—accelerated by people moving here from out of state during COVID and driving housing prices up—we need to build on what we know works to address housing shortages. With the upcoming “fourth round” of affordable housing obligations on the horizon, we have an opportunity to address New Jersey's deep racial segregation and lack of affordability through the development of even more affordable homes.

However, opponents of the *Mount Laurel* Doctrine—mostly individuals who want to maintain segregation and keep low-income families and people of color out of their towns—have already begun to call for going backwards to what we know does not work—a return to COAH and allowing wealthy, predominantly white towns to buy their way out of obligations instead of actually building homes.

We write to you today to ask that you dismiss these perilous calls to reinstate COAH. COAH didn't work. The agency is largely responsible for our current housing crisis, including a deficit of more than 200,000 homes. For fifteen years the agency did nothing to enforce the *Mount Laurel* Doctrine, allowing towns to skirt their constitutional obligations and thwarting affordable housing development in the state. The agency furthered segregation by allowing wealthy, white towns to sell their affordable housing obligations to New Jersey's cities—a reprehensible practice that many called “blood money.”

Given New Jersey's significant shortage of affordable homes, we must prioritize policies that accelerate the development of affordable housing, not those that set us back. In that vein, we ask that you commit to safeguarding the integrity of the *Mount Laurel* Doctrine—that you pledge to uphold the principles below to advance affordable housing for low-income families and communities of color throughout New Jersey.

1. **Enforcement by the courts.** COAH was entirely dysfunctional long before it totally stopped functioning in 2015. Calls to go back to it are nothing more than an attempt to return to an endless cycle of bureaucracy that will delay housing production at a time when housing need is greater than ever. Given that the current process has produced twice as much affordable housing as COAH, the numbers speak for themselves: *Mount Laurel* must be enforced through the courts.
2. **Transparent methodology.** After years of debate, a lengthy trial led to a middle ground methodology largely accepted throughout the state, known as the Jacobson methodology. The methodology requires higher obligations in towns with more jobs and developable, environmentally appropriate land and lower responsibilities in towns with more existing affordability. Calculating fourth round obligations in advance of the next round, using the Jacobson

methodology as a baseline, will make clear that the methodology is not subject to endless argument, thereby expediting the enforcement process significantly.

3. **Clear timeline and process.** Towns should have an opportunity to develop a plan without builders being able to sue, but they should not have years to keep delaying. Providing towns with clear timeframes for submissions, objections, approvals, and rejections, creates an efficient process that benefits everyone.
4. **No buyouts for wealthy municipalities.** Every town should do its fair share. Rich, predominantly white towns should not be able to pay their way out of their affordable housing obligations—depriving low-income families and people of color from the opportunity to live there. Whether it’s a return to the past Regional Contribution Agreements or the same thing by another name, we strongly oppose any system that perpetuates segregation by letting wealthy towns off the hook.

Now, more than ever, New Jersey needs to protect what works to build affordable housing. New Jersey is growing in size and diversity—our population is nearly 50% people of color, and more and more people, including working families, seniors, and people with special needs, simply cannot afford to live here. We need more affordable housing to meet the needs of our residents. To go backwards to a system that not only maintains segregation, but also fails to create more housing opportunities, would be irresponsible. We need to do more to meet the growing need for affordable homes in New Jersey—by providing more resources to create and preserve those homes and removing arbitrary barriers that wealthy, predominantly white towns use to block affordable homes.

We’re counting on you to see through the lies and support a process that safeguards affordable housing for all.

Sincerely,

ACLU-NJ
Asbury Park Affordable Housing Coalition
Association of Black Women Lawyers of NJ
Camden County Habitat for Humanity
Cape Hope
Catholic Charities, Diocese of Trenton
Citizen and Veterans Advisory Committee
Community Planning and Advocacy Council
Community Refuge Church of Christ
Corporation for Supportive Housing
Cumberland County Habitat for Humanity, Inc.
Education Law Center
EMBRACING RACE - The Conversation
Ewing Democratic Club
Fair Share Housing Center
Faith in New Jersey
Family Promise of Cape May County
Habitat Bergen County
Habitat for Humanity Cape May County, Inc.
Habitat for Humanity of Bergen County
Habitat for Humanity of Salem County NJ
Habitat for Humanity of South Central NJ
Habitat for Humanity of Southern Ocean County, Inc
Homeless Solutions, Inc.
Homes by TLC, Inc.

Housing Alliance of Morris County
Housing and Community Development Network of New Jersey
Interfaith Food Pantry Network
Ironbound Community Corporation
Latino Action Network
Latino Action Network Foundation
Latino Coalition of New Jersey
League of Women Voters of Fair Lawn
League of Women Voters of New Jersey
Lincoln Park Coast Cultural District
Lutherans Engaging in Advocacy Ministry
Monarch Housing Associates
Newark Community Street Team
New Jersey Alliance for Immigrant Justice
New Jersey Association of Alpha Phi Alpha Chapters
New Jersey Future
New Jersey Institute for Social Justice
Make the Road New Jersey
Morris Habitat for Humanity
NAACP New Jersey State Conference
New Jersey Coalition to End Domestic Violence
NJ Coalition to End Homelessness
New Jersey Organizing Project
New Jersey Policy Perspective
New Jersey Religious Action Center of Reform Judaism (RAC-NJ)
NJ Working Families Party
Northern Ocean Habitat for Humanity
nourish.NJ
Parents With A Plan
Passaic County Habitat for Humanity
People First! - The Affordable Homes Group
Project Freedom Inc
Raritan Valley Habitat for Humanity
Region 9 UAW Housing Corp
Salvation and Social Justice
Sussex County Habitat for Humanity
TANK EdDucates LLC
The Supportive Housing Association of NJ
Volunteers of America Delaware Valley
VOADV Property, Inc.
Zeta Phi Beta Sorority, Incorporated