

## AFFORDABLE HOUSING FREQUENTLY ASKED QUESTIONS

### **Why is affordable housing required in Moorestown?**

Pursuant to a series of New Jersey Supreme Court decisions known as the Mount Laurel Doctrine, New Jersey municipalities have a constitutional obligation to provide a realistic opportunity for satisfaction of their “fair share” of affordable housing. This essentially means New Jersey municipalities may meet their fair share – also known as the affordable housing obligation – by creating the required number of affordable units or by adopting zoning that allows for the required number of affordable units to be developed.

### **Who is eligible to live in affordable housing?**

Any household that meets the income limits and can provide the necessary information to document their income may qualify for affordable housing in New Jersey. This includes families, single-person households, seniors, and those with disabilities. Maximum household income must be not more than 80% of median income in the region for the household size. These income limits were previously adopted by COAH, but are now being approved by the Court. For example, the 2017 maximum income for a three-person household in Moorestown is approximately \$60,000.

### **What has the Township previously done to provide affordable housing?**

The Township has a variety of affordable housing sites located throughout the municipality that provide more than 500 units of affordable housing. These affordable units include those for families, seniors, those with special needs, and those that are for-sale and for-rent. These units are located in 100% affordable housing developments and in ‘inclusionary’ (a mix of market-rate and affordable units) housing developments.

### **Why does Moorestown have to provide more affordable housing than it already has?**

The mechanisms by which affordable housing has historically been administered in New Jersey, through the state Council on Affordable Housing (“COAH”), requires that municipalities review their housing plans every ten years to adjust for population growth and economic trends. The Township has satisfied its affordable housing obligations for the first and second ‘rounds’ of rules (for 1987-1993, and for 1993-1999, respectively). Since COAH failed to adopt new rules for a third round, and then the litigation ensued, the Supreme Court has required municipalities statewide to draft a plan to meet their third round affordable housing obligation, which spans from 1999 to 2025.

### **Why can't the Township's affordable housing litigation be discussed publicly?**

The Township's current efforts to satisfy its affordable housing obligations are the subject of an ongoing litigation matter; in particular, the Declaratory Judgment lawsuit that the Township filed in 2015. As a litigation matter, Council discusses the issues in that litigation in closed session meetings, as it does with all other ongoing litigation matters, pursuant to the requirements of the Open Public Meetings Act. Those closed session discussions help preserve Council's ability to discuss litigation strategy, and any pending settlement negotiations, without compromising its position in the litigation or in any settlement negotiations. The Township understands the public's desire to learn about all aspects of this important issue as it is evolving, but since the matter at its heart involves litigation, the Township is constrained to discuss the matter only in closed session meetings.

### **What opportunity will there be for public comment on the Township's affordable housing Plan?**

The Council will authorize any settlement agreement that ends any portion of the litigation during the public portion of a Council meeting. At that time, the settlement agreement will be available for public review, and public comment will be received on the contents of the settlement agreement. Additionally, the Township Planning Board will be required to adopt a housing element and a fair share plan that addresses its affordable housing obligation. The Planning Board's adoption requires a public hearing, when the public will also have an opportunity to comment. Additionally, the Court will conduct a Fairness Hearing on any settlement agreement that is executed by the Township, and the Court will also conduct a Compliance Hearing on the new housing element and fair share plan. Comments may also be provided directly to the Court as part of the Fairness and/or Compliance hearings. Lastly, any ordinances that are adopted by the Township in order to implement any settlement agreement and/or the housing element and fair share plan will be subject to a public hearing before the Council.