



## NEW JERSEY CHAPTER

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### **Important Principles and Proposals in Planning and Implementing Affordable Housing Projects October 10, 2020**

Where a person lives is a major factor in determining the quality of life, such as access to goods and services, education, employment opportunities, recreation, and access to clean air and high-quality nutrition. The ability to live in environments which allow for equal access to these qualities provides a sense of stability that should be a human right.

Our nation faces an affordable housing crisis. This crisis is particularly acute in New Jersey, the most densely populated state in the United States.

This document is intended to serve as a statement of the principles and proposals the Sierra Club, New Jersey Chapter believes are important for decision makers in the implementation of affordable housing projects and the quality of life issues essential to a just, equal and thriving society.

#### Brief history

At present the affordable housing requirements across the state are under the control of the courts. The requirements are the result of over forty years of court cases, failed legislative and government agency resolutions and more. All of these actions resulted from the historic NJ Supreme Court Mount Laurel Decision of 1975, which mandated that every municipality in New Jersey has an obligation to provide affordable housing in its development plans.

The Supreme Court in 2015 determined that all efforts to fulfill the 1975 mandate had failed and directed that most municipalities in NJ would be required to negotiate agreements to be approved by the courts. These "Settlement Agreements" represent the final and binding process under which affordable housing is implemented until a scheduled 2025 court review of the progress.

The principles and guidelines which follow take into account the current affordable housing mandates as well as other recommendations. It should be recognized that the issues raised, and recommendations that follow are complex. It is beyond the scope of this document to address all aspects of each area addressed. To achieve and remedy the complex tasks of affordable housing and all of the associated housing and quality of life issues will take considerable commitment and study to create equitable and just solutions.

## **Guiding Principle**

The Sierra Club New Jersey Chapter has acknowledged that “affordable housing” is an important and necessary obligation for all municipalities in New Jersey.

Affordable housing is defined as spending less than 30 percent of post-tax income on housing. This definition seems simple enough until all of the factors related to everyday existence are taken into account. Those factors and the inter-relationship between them, creates challenges for all citizens and leaders that make safe, sustainable affordable housing, difficult to achieve. When the factors related to affordable and sustainable housing are all taken into consideration, we are more appropriately referring to affordable living.

Some of the factors which need to be considered during implementation of all forms of housing including affordable are:

- Land use and protection
- Construction cost
- Access to jobs, shopping, health care and other amenities.
- Environmental impact
- Access to multiple forms of transportation
- Infrastructure capacities and functionality
- Enforcement of land preservation laws and regulations

The mission of the Sierra Club New Jersey Chapter states:

To explore, enjoy, and protect the wild places of the earth;  
To practice and promote the responsible use of the earth's ecosystems and resources;  
To educate and enlist humanity to protect and restore the quality of the natural and human environments.

It is with this mission as our guiding principle, that the Sierra Club New Jersey Chapter addresses principles and proposals to be considered during implementation of affordable housing

## **Fair housing practices**

### Racial/ethnic consideration

It has been demonstrated that segregated housing, education, social settings and more are detrimental to all citizens. It is essential that inclusionary practices which promote integration and equal access to amenities of a high quality, stable life style be considered.

### Social/environmental justice issues

Communities most impacted by environmental harms and risks are typically referred to as "environmental justice (EJ) communities" or, as the US Environmental Protection Agency defines them, "overburdened communities." The factors defining such EJ communities typically include the disproportionate exposure to environmental hazards such as air and water pollution, compromised water supplies, hazardous waste and more. This exposure leads to increased vulnerability, with a result being negative health and welfare outcomes.

Historically, government assisted housing have been urban areas which have degraded into these "overburdened communities." The overall objectives of providing fair, healthy and safe living environments through expansion of affordable housing need to acknowledge and address the redevelopment of existing "environmental justice communities". The overwhelming effort of providing adequate housing across the state cannot occur without plans to address the decades of racial and economic bias in housing.

The National Sierra Club and many chapters, including New Jersey, recognize that many land use policies were designed to separate people by class and race historically, and that many planning housing and development practices still reinforce those inequities and racist outcomes.

## **Environmental awareness**

### Climate Change and Green Construction

Ordinances and legislation should be improved to require and/or provide incentives for sustainable "green" construction practices. See "Infill Development Policy" reference.

Construction of affordable housing should not be relegated to urban areas. Suburban and rural areas should not be excluded from housing options. The practice of exclusionary zoning, restricting housing units to larger plots of land, causes greater destruction of open spaces and forested areas.

## **Other Considerations**

### Government.

New Jersey has a number of laws and regulations intended to promote fair housing and combat discrimination, destruction of wetlands, preservation of open space, management of storm and waste water, and much more. Educating the public about, and enforcement of those existing legal requirements must take place.

Where required, new ordinances and legislation should be introduced to address gaps in protection that may be discovered during implementation of housing development. For example, current obligations for affordable housing exempt redevelopment projects from affordable housing requirements. The demand for housing requires that all development and redevelopment should be included in mandated affordable housing policies.

### Transportation

One of the most daunting issues facing NJ now and in the future is the volume and effects of air pollution caused by vehicular traffic. The placement of all housing and particularly affordable housing should take into account siting and planning which takes maximum advantage of existing and new mass transit systems. A factor frequently overlooked in the affordable housing mandates is the construction of housing which has access to public transportation. Failure to plan housing of any kind without factoring in the cost of transportation leads to increased sprawl and waste of undeveloped land areas which should be preserved. In the case of affordable housing, the savings in housing costs are offset by the increased cost of transportation to employment and amenities when automobiles are required.

## **Conclusion**

In 2015 the New Jersey Supreme Court unanimously upheld the obligation of all New Jersey municipalities to provide affordable housing under the 1975 Mount Laurel decision.

This document has presented an overview of some areas which need to be considered in the process of fulfilling housing obligations.

The Sierra Club Redwood Chapter, northwest California, published, in September 2019, an "Infill Development Policy", which reinforces and expands on many of the principles and proposals mentioned in this document.

See: <https://www.sierraclub.org/redwood/blog/2019/09/sierra-club-updates-urban-infill-policy>