U.L. v. Carteret

10-17-79 1979

BRIEF OF AMICUS CURIAE IN SUPPORT OR PETITION FOR CERTIFICATION

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URBAN LEAGUE of GREATER NEW BRUNSWICK, et al.,	SUPREME COURT OF NEW JERSEY Docket No.
Plaintiffs-Petitioners,	Civil Action
-v-	
MAYOR and COUNCIL of the BOROUGH of CARTERET, et al.,	Sat Below: Honorables Halpern, Ard and Antell
Defendants-Respondents.	

BRIEF OF AMICUS CURIAE
IN SUPPORT OF PETITION FOR CERTIFICATION

On the Brief:

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INTRODUCTION

The interests of justice mandate reversal of the Appellate Division's decision of September 11, 1979 in Urban League of Greater New Brunswick v. Carteret, ___ N.J.Super. ___ (App. Div. 1979). The Public Advocate supports reversal and remand for further review below.[1] This case is not a simple dispute between private parties in a matter where the facts and the law are clear. At issue is unconstitutional discrimination by governmental entities against thousands of this state's most needy citizens.[2] The facts are complicated and the legal issues novel and relatively uncertain.[3]

The plaintiffs came before the courts in the first instance because they had no place else to turn. They cannot now be turned away simply due

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[1] The review below would entail a minimal amount of time and money. The factual record needs little amplification. The trial court simply needs an articulation of the law by an appellate court. This may have already been supplied by this Court in Oakwood-at-Madison v. Madison Tp., 72 N.J. 481 (1977).

[2] This case is a certified plaintiffs' class action. The plaintiffs represent all low and moderate income families who seek housing opportunities in Middlesex County. Urban League of Greater New Brunwsick v. Carteret, 142 N.J.Super. 11, 18 (Ch. Div. 1976). The reversal and dismissal by the Appellate Division may, as a matter of law, be res judicata and prohibit members of the class from litigating their substantive rights because of a procedural failure. Due to limited private or public resources to bring this type of action, the decision is certainly res judicata in effect. The painful reality is that these rights will probably never be vindicated unless this Court reverses and remands.

[3] The trial below lasted for several weeks at great public expense. The legal issue which is the subject of the reversal was first articulated by this Court in March of 1975 and has yet to be settled in all of its specificity by this or any other court. Southern Burlington Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151 (1975). Whereas the Court in Mt. Laurel designated a specific region, no court has done so for the northeastern and northcentral part of New Jersey.

to a procedural miscalculation by their counsel and the court below.[1] This is especially true since that miscalculation was on an issue which was at the time of trial, and is still today, relatively unclear.[2] Regardless, it is the view of the Public Advocate that:

1. the interest of justice requires reversal and a remand. Such a ruling, although arguably discretionary, is consistent with all known precedent;

2. the delineation of a definitive region for fair share planning purposes is not a necessary element of plaintiffs' case and certainly is not a sine qua non to a finding of exclusion, discrimination, and unconstitutionality; nor is it a prerequisite to a remedial order in the first instance; and

3. the error below was not prejudicial and, therefore, simple reversal by the Appellate Division was inappropriate.

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[1] The Public Advocate has reviewed the moving papers filed by the petitioners and notes their argument that the Appellate Division erred in ruling that they and the trial court had designated an improper region. The Public Advocate does not address that point. More fundamental is the issue of judicial attitude in a case of this magnitude. The effect of this ruling, as addressed below, is to hold public interest litigants who raise claims of a constitutional magnitude to a higher standard than private litigants who raise simple tort claims.

[2] A principle question which each member of the Court must ask himself, is whether he, as an attorney or trial judge in February of 1976, could have articulated, with certainty, an appropriate region for fair share planning purposes. The fact is that the Appellate Division still has not done so. Given the state of the law at that time it is too grave a ruling, too severe a sanction against the plaintiffs, their counsel and the trial court for what was, at the time, an arguable result and which, in any event, did not harm the cause of the defendant municipalities. See Points II and III below.

POINT I

THE INTERESTS OF JUSTICE AND PRIOR PRECEDENT MANDATE REVERSAL AND A REMAND

This class action, brought on behalf of low and moderate income persons, challenged the land use practices of twenty-three (23) of the twenty-five (25) municipalities in Middlesex County. The trial court held that eleven of the defendants[1] had failed to provide, by their land use ordinances, a reasonable opportunity for their fair share of the regional housing need for persons of low and moderate incomes. The Appellate Division has now ruled that the plaintiffs and the lower court utilized an improper region and, therefore, had failed to "prove" the elements of the claim. Whether proof of region is an element of such a claim, whether the burden is on plaintiffs to prove that element and whether failure to prove it here constituted prejudicial error will be discussed below. *Amicus* argues herein that, regardless, the proper remedy was remand and that merely reversing the lower court decision is not in the interests of justice and contrary to precedent.

The decision on whether to remand involves a weighing of potentially conflicting values. The Public Advocate believes that there is virtually no conflict in values here; that is, from every perspective remand is the preferred, if not mandated, result. The following issues are relevant:

a) the nature of the case;
b) the consequences of reversal by the Appellate Division;
c) the consequences of remand;
d) injury to the plaintiffs;
e) injury to the defendants; and
f) prior precedent.

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[1] Out-of-court settlements had been reached or dismissal ordered as to the remaining twelve (12) defendants. *Urban League*, *supra*, 142 *N.J.Super.* at 22.

a) The Nature of the Case: The complaint in this action was filed in July, 1974, one year before this Court rendered its decision in Southern Burlington Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, supra. It is the first broad-based attack on exclusionary zoning practices in an entire county. As previously indicated, it is a class action, affecting the constitutional rights of thousands of needy families and the constitutional obligations of twenty-three (23) governmental entities. The underlying concern, the need for decent and healthful shelter, has been characterized by this Court as fundamental, warranting, upon the presentation of a prima facie case, a reversal of the traditional presumption of validity granted to municipal action. Mt. Laurel, supra, 67 N.J. at 180-81.

The factual issues are complex and the legal framework relatively new. It was only in March of 1975 that this Court explicitly articulated the implicit constitutional imperative upon municipalities to zone for regional housing needs. This case was tried only ten months after that decision (which itself took the Supreme Court over 14 months to render after the second oral argument).

On May 4, 1976 the trial court ruled that eleven (11) defendants had discriminated against low and moderate income persons in their land use ordinances. That finding was not challenged by the Appellate Division. The trial court, in providing remedial relief, delineated a region which, as construed by the Appellate Division was improper. On that basis alone, the court reversed and dismissed this case. A serious question arises as to the propriety of mere reversal in that context. Where the law is clear, failure to present facts supporting one's legal theory might warrant reversal. However, where the law is new (in the sense that it has recently been articulated) and

where the parties have made a reasonable attempt to present a full factual record, reversal is too harsh a remedy. This precept is particularly compelling in light of the fact that:

> 1. the trial court, itself, was convinced as to the application of the facts to the law;
>
> 2. the only precedent to give guidance at that time was the Mt. Laurel decision which did not deal, with specificity, as to any region but the one encompassing Mt. Laurel Township; and
>
> 3. the Supreme Court in Mt. Laurel based its decision not on any fair share number resulting from a regional analysis but upon an examination of the exclusionary nature of Mt. Laurel's zoning ordinance.

In any event, however important it may be to accurately designate the boundaries of a given region, it is not as important as the underlying findings of exclusion and discrimination; nor is it of such significance when measured against the magnitude of the case itself as to warrant reversal.

b) The Consequences of Reversal by the Appellate Division: The result is devastating. First, the Court must consider the potential *res judicata* effect of the Appellate Division's ruling. Second, the Court must consider that as a result of this decision any hope that regional housing needs will be addressed, much less met, in Middlesex County has been ended:

> 1) the defendants have been found to violate the Constitution of this State by discriminating against low and moderate income persons in their land use practices. Their actions will now go unabated and unchallenged;
>
> 2) housing opportunities for thousands of low and moderate income families will not be provided;
>
> 3) the enormous expense of several weeks of trial and months of pre-trial and post-trial litigation will be wasted; and
>
> 4) the lack of funds and resources in the public interest bar will probably foreclose renewed litigation even if legally possible.

All of this because of a failure to delineate the proper planning region.

c) The Consequences of Remand: These are minimal. It is in the interest of justice to resolve the legality of municipal land use regulations in these eleven municipalities. That can now be done with minimal expense in time and money. The remand can be on the narrow issue of region about which an ample factual record already exists.

d) Injury to the Plaintiffs: If the present ruling stands, their injury is incredible. They are probably forever foreclosed from vindicating fundamental constitutional rights. The quality of life and the opportunity for decent, affordable housing for thousands of people are at stake.

e) Injury to the Defendants: If the present ruling stands, they will be able to continue land use practices found to be unconstitutional. If a remand is ordered, they will be merely forced to have those practices submitted to proper judicial scrutiny at little further expense in time or money than if the proper region was delineated initially.

f) Prior Precedent: The Appellate Division relied on one case in determining not to remand, Budget Corp. of America v. DeFelice, 46 N.J.Super. 489 (App. Div. 1957). This reliance was misplaced. The court in Budget Corp. stated:

> We, of course, would not be justified in sending a case back for a new trial merely in order to give an appellant an opportunity to put in further proof on an issue in which it has the burden of proof. 46 N.J.Super. at 492 (Emphasis supplied).

Amicus notes the use of the word "merely." Here the trial court would simply be asked to review the record in light of a further articulation of the law which occurred after its original ruling. In fact, in Budget Corp., itself, there had been a prior remand for additional findings of fact before the ultimate decision was rendered. 46 N.J.Super. at 492. It was only then that

the court found the law on plaintiff's burden clear and no equitable reason for a further hearing.[1]

Furthermore, this Court has rendered an opinion which supports remand in a matter which involved the same legal and factual issues and concerned one of the same defendants as in the case before the Appellate Division. The defendant is Madison Township (now Old Bridge). The land use practices of that municipality were before the trial court below in two cases, this case and Oakwood-at-Madison v. Madison Tp., 117 N.J.Super. 11 (Law Div. 1971), upon remand 128 N.J.Super. 438 (Law Div.1974). This Court specifically noted in Madison that:

> (T)he trial court did not specify the precise boundaries of the applicable region nor fix an absolute number of appropriate housing units to be provided. It merely described the pertinent region as the area from which the population of the township would be drawn, absent exclusionary zoning. Madison, supra, 72 N.J. at 498.

However, the Court did not reverse the trial court's decision for failing to specifically define the boundaries of Madison's region. In fact, it did not

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1 Interestingly, the same judicial panel reviewing Budget Corp. reached the opposite result in a case decided only 20 days later, Hoddeson v. Koos, 47 N.J.Super. 224 (App. Div. 1957). In that case the plaintiff, a consumer sued a store in assumpsit but failed to prove one essential element of proof. Nonetheless the appellate court held that under certain circumstances the store might then be held liable under a principle of estoppel. The court held that:

> In reversing the judgment under review, the interests of justice seem to us to recommend the allowance of a new trial with the privilege accorded the plaintiffs to reconstruct the architecture of their complaint appropriately to project for determination the justiciable issue to which, in view of the inquisitive object of the present appeal, we have alluded. We do not in the exercise of our modern processes of appellate review permit the formalities of a pleading of themselves to defeat the substantial opportunities of the parties. 47 N.J.Super. at 234-5.

even remand on the issue of region. Having upheld the trial court's decision on the issue of discrimination, this Court remanded for remedial action within the guidelines it established (which included guidelines as to region).

This Court has stated that "justice should be done in every case." Hodgson v. Applegate, 31 N.J. 39, 43 (1963). Further, it has emphasized that in public interest cases there is a strong policy interest in a "just determination on the ultimate merits." Cresent Park Tenants' Ass'n v. Realty Equities, 58 N.J. 98, 108 (1971) (Emphasis supplied). Only a remand can insure that justice is done and the ultimate merits determined. The courts have not been loathe to give a "second chance" to municipalities which have been patently discriminatory; even intentionally so. See Mt. Laurel, supra, 67 N.J. at 192. In light of such munificence to those who would openly violate our constitution, this Court must certainly provide relief to the indigent plaintiffs herein whose only "error" was to misdefine a regional area.

POINT II

PLAINTIFFS' ERROR, IF ANY, IN DEFINING THE PROPER REGION IS NOT ESSENTIAL TO A FINDING THAT DEFENDANTS' LAND USE REGULATIONS ARE UNCONSTITUTIONAL

This Court's express language in both Mt. Laurel and Madison seriously questions, if not contradicts, the Appellate Division holding that an accurate definition of region is essential to proving the unconstitutionality of a municipal land use ordinance and that failure to provide such a delineation merits reversal with prejudice. In fact, it is reasonable to conclude from these decisions that the delineation of "region" is irrelevant to a determination that an ordinance is unconstitutionally discriminatory in precluding a zoning opportunity for low and moderate income housing.

In both Mt. Laurel and Madison, the Court's analyses of the defendants' zoning ordinances were made without regard to the townships' regions. Rather, the Court in finding their ordinances invalid specifically reviewed and evaluated the actual zoning provisions which controlled the kind of housing opportunities permitted in the townships. In Mt. Laurel, the Court denounced Mt. Laurel's exclusion of small homes on small lots, multi-family housing and low cost housing of other types[1] and held that:

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[1] The Court stated that:

> As a developing municipality, Mount Laurel must . . . permit multi-family housing, without bedroom or similar restrictions, as well as small dwellings on very small lots, low cost housing of other types and, in general, high density zoning, without artificial and unjustifiable minimum requirements as to lot size, building size and the like, to meet the full panoply of these needs. Mt. Laurel, supra, 67 N.J. at 188.

> (W)hen it is shown that a developing municipality in its land use regulations has not made realistically possible a variety and choice of housing, including adequate provision to afford the opportunity for low and moderate income housing <u>or has expressly prescribed requirements or restrictions which preclude or substantially hinder it, a facial showing of violation of substantive due process or equal protection has been made out</u> . . . <u>Mt. Laurel</u>, <u>supra</u>, 67 <u>N.J.</u> at 181. (Emphasis supplied).

If Mt. Laurel had been deemed to be in some region other than the Camden region; that is, had there been some error in this regard, there would have been no change in this Court's analysis or the declaration that Mt. Laurel's zoning ordinance was invalid.

A zoning attorney could reasonably read <u>Mt. Laurel</u> to hold that "region" and "fair share" are not essential elements of proof in an exclusionary zoning case. If it was proved that a municipality had failed to permit by its zoning controls a variety of housing types affordable to persons of lower incomes, the exclusionary features of the ordinance would be demonstrated and the ordinance declared unconstitutional. The quantity of the opportunity to be provided would be irrelevant to this declaratory judgment as to the constitutionality of the ordinance. "Fair share" and "regional" considerations are not necessary, much less essential, to proving the constitutional deficiencies of a zoning ordinance and a court's finding in that regard.

Accordingly, in <u>Madison</u>, this Court reviewed Madison's zoning provisions and the kind of housing permitted to be built in the township. It analyzed the minimum square footage, multi-family and PUD provisions of the ordinance and upheld the trial court's finding that 83% to 88% of the feasible future units in the township would be zoned out of reach of the lowest 40% of the population. <u>Madison</u>, <u>supra</u>, 72 <u>N.J.</u> at 515. In so finding, the Court concluded that:

> (T)he 1973 Ordinance is shown not to provide the opportunity for a substantial amount of new housing which could be available to the lower income segments of the population. The failure arises from both (a) the inadequacy or non-existence of areas zoned for homes on very small lots or for multi-family housing; and (b) the undue cost-generating features inherent in the ordinance which raise the expense of purchasing or renting new housing units above the reach of the great majority of the lower income population. Madison, supra, 72 N.J. at 524.

This analysis was not only consistent with its prior holding in Mt. Laurel but this Court's extensive discussion of "fair share" and "region" in the Madison decision itself. In Madison, this Court specifically stated that its review of "region" and "fair share" was not to be read as a requirement upon trial courts to delineate regions and specify municipal fair share allocations. Madison, supra, 72 N.J. at 543. Rather, trial courts confronted by such constitutional challenges were directed to examine the substance of the zoning ordinance to insure the elimination of undue cost-generating controls which preclude affordable housing in the municipality.

> (W)e deem it well to establish at the outset that we do not regard it as mandatory for developing municipalities whose ordinances are challenged as exclusionary to devise specific formulae for estimating their precise fair share of the lower income housing needs of a specifically demarcated region.
>
> . . .
>
> We are convinced from the record and data before us that attention by those concerned, whether courts or local governing bodies, to the substance of a zoning ordinance under challenge and to bona fide efforts toward the elimination or minimization of undue cost-generating requirements in respect of reasonable areas of a developing municipality represents the best promise for adequate productiveness without resort to formulaic estimates of specific unit "fair shares" of lower cost housing by any of the complex and controversial allocation "models" now coming into vogue. Madison, supra, 72 N.J. at 498-99 (Emphasis added).

POINT III

THE ERROR BELOW WAS NOT PREJUDICIAL AND, THEREFORE, REVERSAL IS INAPPROPRIATE

In reversing the trial court decision, the Appellate Division determined that Middlesex County was not a region but was more appropriately a component of some larger region.[1] The boundaries of this larger region were not defined by the court. It is difficult, therefore, to accurately assess the actual impact of the plaintiffs' error. However, if one assumes, as implied by the Appellate Division's discussion of the Madison decision, that Middlesex County is part of the larger northeastern region, a review of the factual impact of the plaintiffs' error indicates that the mistake was not in their favor.

Under the Statewide Housing Allocation Report for New Jersey prepared by the New Jersey Department of Community Affairs,[2] Middlesex County is part of an eight-county region. In Madison, the Supreme Court cites the D.C.A. report and its designation of this region which includes Bergen, Essex, Hudson, Morris, Passaic, Somerset, Union and Middlesex Counties. Madison, supra, 72 N.J. at 528 n. 35. Under this plan, the total housing need to

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[1] The court found that:

> In the face of these circumstances, nothing in the findings or the recorded evidence could support a realistic expectation that the prospective population of these municipalities would be substantially drawn from within the confines of the County. We conclude that the Supreme Court's determination in Oakwood-at-Madison that Middlesex County is not appropriate as a housing region governs the facts hereof. Urban League v. Carteret, slip opinion at 15.

[2] The 1976 Preliminary Housing Allocation Report prepared by D.C.A. was cited numerous times by this Court in Madison, supra, 72 N.J. at 528 n. 35, 531-532 n. 3, 535 n. 42, and 538 n. 43. The 1978 plan is the final report prepared pursuant to Executive Order No. 46 and released by the Governor in May, 1978. Madison, supra, 72 N.J. at 532 n. 37.

be met by these 11 defendants by 1990 is 34,860 additional units. This is in contrast to the trial court's determination, using Middlesex County as a self-contained region, that the defendants must plan and provide for a total of 18,697 new units by 1985. Urban League v. Carteret, slip opinion at 9; Urban League v. Carteret, supra, 142 N.J.Super. at 37. Furthermore, under the D.C.A. plan, all but two of the defendants have "fair share" numbers which are equal to or even greater than those calculated by the trial court.[1] See attached Exhibit I.

Factually then, the plaintiffs' error was essentially a harmless one. If the plaintiffs had used a larger area as a region the defendants' fair share obligations would have been even greater.[2] Given the fact that this error is not prejudicial coupled with the significant impact the disposition of this case will have on the provision of desperately needed housing in Middlesex County, reversal is clearly inappropriate.

1

	Trial Court Allocation	D.C.A.
Cranbury	1,351 units	679
East Brunswick	2,649	3,083
Edison	7,625	8,028
Monroe	1,356	2,325
North Brunwsick	1,513	1,604
Old Bridge	1,634	4,684
Piscataway	1,333	5,299
Plainsboro	1,333	624
Sayerville	1,661	2,321
South Brunswick	1,486	3,213
South Plainfield	1,749	3,000

2 It may also be noted that even if the defendants were deemed to be a part of the Trenton-Mercer County region, their housing obligations would not be reduced. The D.C.A. plan assesses the housing need in the Mercer Region alone (which includes only the municipalities in Mercer County) to be 25,616 additional units. See attached Exhibit II.

CONCLUSION

The decision in this case, if permitted to stand, will create a paramount injustice impacting on the provision of needed housing opportunities for thousands of this State's most needy citizens. For the foregoing reasons, the Public Advocate respectfully urges this Court to grant certification, to reverse the Appellate Division decision and to order that the matter be remanded.

Respectfully Submitted,

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State of New Jersey

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Date: 10-17-79

REGION 11	UNADJUSTED HOUSING ALLOCATION					ADJUSTED HOUSING ALLOCATION					RESULTING HOUSING ALLOCATION	
	1	2	3	4	5	6	7	8	9	10	11	12
Middlesex COUNTY MUNICIPALITY	1970 Housing Need *	Allocation of 1970 Housing Need	Difference Col. 2 - Col. 1	Allocation of Prospective Housing Need (1970-1990)	Unadjusted Housing Allocation Col. 3 + Col. 4 **	Development Limit	Allocation Based on Development Limit	Units Not Allocated Col. 5 - Col. 7	Redistribution of Units not Allocated	Adjusted Housing Allocation Col. 7 + Col. 9	Indigenous Share of 1970 Housing Needs Col. 1 or Col. 2 ***	Resulting Allocation Col. 10 + Col. 11
Carteret	701	715	14	342	356	0	0	356	0	0	701	701
Cranbury	72	69	(-3)	443	443	Adequate	443		167	610	69	679
Dunellen	203	230	27	122	149	0	0	149	0	0	203	203
East Brunswick	380	913	533	1,428	1,961	Adequate	1,961		742	2,703	380	3,083
Edison	1,656	1,933	277	4,347	4,624	Adequate	4,624		1,748	6,372	1,656	8,028
Helmetta	34	30	(-4)	10	10	0	0	10	0	0	30	30
Highland Park	457	532	75	226	301	0	0	301	0	0	457	457
Jamesburg	189	139	(-50)	73	73	Adequate	73		28	101	139	240
Old Bridge	983	1,350	367	2,319	2,686	Adequate	2,686		1,015	3,701	983	4,684
Metuchen	390	494	104	232	336	0	0	336	0	0	390	390
Middlesex	388	483	50	407	457	0	0	457	0	0	388	388
Milltown	117	208	91	75	166	0	0	166	0	0	117	117
Monroe	221	289	68	1,459	1,527	Adequate	1,527		577	2,104	221	2,325
New Brunswick	1,755	1,321	(-434)	698	698	0	0	698	0	0	1,321	1,321
North Brunswick	350	507	157	753	910	Adequate	910		344	1,254	350	1,604
Perth Amboy	1,566	1,352	(-214)	483	483	0	0	483	0	0	1,352	1,352
Piscataway	1,067	1,052	(-15)	3,082	3,082	Adequate	3,082		1,165	4,247	1,052	5,299
Plainsboro	60	55	(-5)	413	413	Adequate	413		156	569	55	624

* Includes dilapidated, overcrowded and needed vacant units, only.
** Negative numbers in Column 3 are treated as zeroes.
*** A municipality's share of 1970 housing needs originating within the municipality itself.

EXHIBIT I

REGION 11	UNADJUSTED HOUSING ALLOCATION					ADJUSTED HOUSING ALLOCATION					RESULTING HOUSING ALLOCATION	
	1	2	3	4	5	6	7	8	9	10	11	12
Middlesex COUNTY MUNICIPALITY	1970 Housing Need *	Allocation of 1970 Housing Need	Difference Col. 2 - Col. 1	Allocation of Prospective Housing Need (1970-1990)	Unadjusted Housing Allocation Col. 3 + Col. 4 **	Development Limit	Allocation Based on Development Limit	Units Not Allocated Col. 5 - Col. 7	Redistribution of Units not Allocated	Adjusted Housing Allocation Col. 7 + Col. 9	Indigenous Share of 1970 Housing Needs Col. 1 or Col. 2 ***	Resulting Allocation Col. 10 + Col. 11
Sayreville	805	925	120	980	1,100	Adequate	1,100		416	1,516	805	2,321
South Amboy	313	292	(-21)	266	266	Adequate	266		100	366	292	658
South Brunswick	348	392	44	2,035	2,079	Adequate	2,079		786	2,865	348	3,213
South Plainfield	537	562	25	1,762	1,787	Adequate	1,787		676	2,463	537	3,000
South River	392	492	100	116	216	Adequate	216		82	298	392	690
Spotswood	276	208	(-68)	124	124	Adequate	124		46	170	208	378
Woodbridge	2,395	2,771	376	3,176	3,552	3,200	3,200	352	0	3,200	2,395	5,395
TOTAL	15,655	17,269	+2,428 -814	25,371	27,799		21,291	3,308	8,048	32,539	14,841	47,380

* Includes dilapidated, overcrowded and needed vacant units, only.
** Negative numbers in Column 3 are treated as zeroes.
*** A municipality's share of 1970 Housing Needs originating within the municipality itself.

EXHIBIT I

REGION 5	UNADJUSTED HOUSING ALLOCATION					ADJUSTED HOUSING ALLOCATION					RESULTING HOUSING ALLOCATION	
	1	2	3	4	5	6	7	8	9	10	11	12
Mercer COUNTY MUNICIPALITY	1970 Housing Need *	Allocation of 1970 Housing Need	Difference Col. 2 - Col. 1	Allocation of Prospective Housing Need (1970-1990)	Unadjusted Housing Allocation Col. 3 + Col. 4 **	Development Limit	Allocation Based on Development Limit	Units Not Allocated Col. 5 - Col. 7	Redistribution of Units not Allocated	Adjusted Housing Allocation Col. 7 + Col. 9	Indigenous Share of 1970 Housing Needs Col. 1 or Col. 2 ***	Resulting Allocation Col. 10 Col. 11
East Windsor	210	348	138	1,759	1,897	Adequate	1,897		184	2,081	210	2,291
Ewing	728	834	156	1,941	2,097	Adequate	2,097		204	2,301	728	3,029
Hamilton	1,950	2,139	189	3,789	3,978	Adequate	3,978		387	4,36[illegible]	[illegible]	6,315
Hightstown	159	174	15	158	173	Adequate	173		17	190	[illegible]	349
Hopewell Boro	42	66	24	75	99	Adequate	99		10	109	[illegible]	151
Hopewell Twp.	140	255	115	1,897	2,012	Adequate	2,012		196	2,208	[illegible]	[illegible]
Lawrence	329	447	118	3,088	3,206	Adequate	3,206		311	3,517	[illegible]	[illegible]
Pennington	33	61	28	88	116	Adequate	116		11	127	[illegible]	[illegible]
Princeton Boro	220	283	63	461	524	52	52	472	0	52	[illegible]	[illegible]
Princeton Twp.	181	366	185	1,136	1,321	Adequate	1,321		128	1,449	[illegible]	[illegible]
Trenton	4,165	3,037	(-1,128)	1,155	1,155	0	0	1,155	0	0	[illegible]	[illegible]
Washington	71	91	20	469	489	Adequate	489		47	536	[illegible]	[illegible]
West Windsor	92	169	77	1,280	1,357	Adequate	1,357		132	1,489	[illegible]	[illegible]
TOTAL	8,320	8,320	+1,128 -1,128	17,296	18,424	Adequate	16,796	1,627	1,627	18,424	[illegible]	[illegible]

* Includes dilapidated, overcrowded and needed vacant units, only.
** Negative numbers in Column 3 are treated as zeroes.
*** A municipality's share of 1970 Housing Needs originating within the municipality itself.

EXHIBIT II