MM - Pascack Assn. Ltd. v. Washington c 1975

Brief and appendix of amicus curiae, Stanley C. Van Ness, Public Advocate of NJ

pi- 1233
pg 41

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SUPREME COURT OF NEW JERSEY

Docket No. C-132

PASCACK ASSN. LIMITED,

Plaintiffs-Petitioner,

-vs-

MAYOR AND COUNCIL OF THE TOWNSHIP OF WASHINGTON, BERGEN COUNTY,

Defendants-Respondents,

and

WALDY, INC.,

Plaintiff-Petitioner,

-vs-

BOARD OF ADJUSTMENT AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF WASHINGTON, et al.,

Defendants-Respondents.

Civil Action

ON APPEAL FROM A FINAL ORDER OF THE SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION

Sitting Below:

MICHELS, MORGAN and MILMED, J.J.A.D.

BRIEF AND APPENDIX OF AMICUS CURIAE, STANLEY C. VAN NESS, PUBLIC ADVOCATE OF NEW JERSEY

HONORABLE STANLEY C. VAN NESS
Public Advocate
Post Office Box 141
520 East State Street
Trenton, New Jersey 08625

On the Brief:

PETER A. BUCHSBAUM, ESQUIRE
KENNETH E. MEISER, ESQUIRE
ASSISTANT DEPUTY PUBLIC ADVOCATES

CARL S. BISGAIER, ESQUIRE
DEPUTY DIRECTOR
DIVISION OF PUBLIC INTEREST ADVOCACY

TABLE OF CONTENTS

TABLE OF CASES

TABLE OF OTHER AUTHORITIES

INTRODUCTION

This Court must now resolve one of the most significant issues arising out of its decision in Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975); that is, whether a certain class of municipalities are exempt from the obligation to provide for meeting a fair share of the regional need for low and moderate income housing. The Court is being called upon to determine if a certain class of municipalities may continue to ban all but the most expensive forms of housing and take no action to assure housing opportunities for the poor.

In a series of cases, including the case at bar, the Appellate Division has fastened upon the words "developing municipalities" (as used in the Mount Laurel decision; see, for example, 67 N.J. at 160) and interpreted them to create an exempt class. Thus Washington, Demarest, and Wenonah have been distinguished from Mount Laurel Township on various grounds such as gross size of township, available vacant developable land, land zoned for industry, etc. See Pascack Association v. Township of Washington, (certif. granted 10-14-75), Fobe Associates v. Mayor and Council and Board of Adjustment of Demarest, (certif. granted 10-14-75) and Segal Construction Co. v. Board of Adjustment of Wenonah, 134 N.J. Super. 421 (App. Div. 1975).

This formulation of an excluded class based on the factors set forth by the Appellate Division is entirely without precedent and in total misunderstanding of the very planning concepts used to justify the dichotomy. Although the Mount Laurel decision did not directly determine what responsibilities certain "non-developing" municipalities might have, it certainly cannot be used as precedent for the proposition that such municipalities

have no responsibility. In fact, at least five years prior to the Mount Laurel decision, this Court established that municipalities which are virtually developed do have an obligation to act to provide an opportunity for low and moderate income housing. See Greater Englewood Housing Corporation No. 1 v. DeSimone, 56 N.J. 428 (1970) and also Sente v. Clifton, 66 N.J. 204, 208-209 (1974). Furthermore, it should be abundantly clear that the principles set forth in Mount Laurel are applicable to all municipalities regardless of size, land availability, industrial zoning or growth. Mount Laurel can be read to exempt only one class of municipality; that is, the class which has already provided the opportunity for its fair share of the regional need of low and moderate income housing. Even those municipalities have a continuing obligation to provide the opportunity for rehabilitation and replacement of existing housing which becomes sub-standard and uninhabitable. The dichotomy between developing and developed municipalities is thus not one of non-exempt versus exempt municipality but one of ascertaining different types of fair share implementation strategies. For example, according to the Camden County Fair Share Plan, Camden City's very substantial allocation of 12,392 units by 1990 it to be satisfied only through rehabilitation and replacement and not new construction to increase the low and moderate income population. Cherry Hill, on the other hand, is being called upon to accodomate an additional 8,515 low or moderate income families in new houses by 1990. See Appendix at 2ff.

In essence, amicus argues that different methods of accomplishing opportunities for low and moderate income housing are available. Some are

more suited to certain types of municipalities than others. In Mount Laurel this Court was dealing with a municipality of considerable size and substantial available vacant land. In such a case, remedies such as rezoning large tracts of land are most appropriate. In a municipality such as Washington Township other approaches may make sense although even here the expert planners retained by the trial court recommended rezoning for apartments as a desirable step which a substantially built-up town like Washington could take in order to respond to housing need. It is patently incorrect to argue, on the basis of some mechanical line-drawing, that Washington Township has no responsibility. The Appellate Division decision cannot be sustained by existing case law and does not comport with the constitutional theory or the planning concepts adopted by this court in Mount Laurel. The decision must be reversed.

ARGUMENT

I.

THE APPROACH TO ZONING LAW TAKEN IN SOUTHERN BURLINGTON COUNTY NAACP VS. TOWNSHIP OF MOUNT LAUREL, 67 N.J. 151 (1975), APPLIES TO MUNICIPALITIES WHICH DO NOT PRESENTLY HAVE SUBSTANTIAL AMOUNTS OF VACANT LAND.

In Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, Supra, 67 N.J. 151, this court required that local zoning and municipal action be designed to give different economic groups the opportunity to obtain equal access to decent housing. At issue in this case is the meaning of the phrase "developing municipalities" used by the court in Mount Laurel in discussing the principles enunciated therein. That phrase occurs in the passage chiefly relied upon by the several Appellate Division decisions which have held Mount Laurel inapplicable to small, substantially built up, single family residential suburbs:

> As already intimated, the issue here is not confined to Mount Laurel. The same question arises with respect to any number of other municipalities of sizeable land area outside the central cities and older built-up suburbs of our North and South Jersey metropolitan areas (and surrounding some of the smaller cities outside these areas as well) which, like Mount Laurel, have substantially shed rural characteristics and have undergone great population increase since World War II, or are now in the process of doing so, but still are not completely developed and remain in the path of inevitable future residential, commercial, and industrial demand and growth. Most such municipalities, with but relatively insignificant variation in details, present generally comparable physical situations, courses of municipal policies, practices, enactments and results and human, governmental and legal problems arising therefrom.
>
> It is in the context of communities now of this type or which become so in the future, rather than with central cities or older built-up suburbs or areas still rural and likely to continue to be for some time yet, that we deal with the question raised. 67 N.J. at 160,

quoted in Pascack Assoc. v. Twp. of Washington, supra slip opinion at 16-17; Segal Construction Co. v. Board of Adjustment of Wenonah, supra, 134 N.J. Super. at 422-423; Fobe Assoc. v. Mayor and Council and Board of Adjustment of Demarest, slip opinion at 4,5.

There are two major reasons why the limiting language quoted above can not possibly be construed as a restriction on the underlying principles set forth in Mount Laurel. These reasons are: first, the inconsistency between such a restriction and the Supreme Court's previously developed land use law principles; second, the inconsistency of applying Mount Laurel's constitutional and planning requirements to some municipalities while allowing others with equally exclusionary zoning practices to porceed as if Mount Laurel had never been decided, along with the clear applicability and appropriateness of the planning concepts used in Mount Laurel to all municipalities. Thus, notwithstanding the Appellate Division's view, the use in Mount Laurel of the phrase "developing municipality" implicates no basic principle but reflects only a prudent determination to deal explicitly only with the kind of community on which the court could review an evidentiary record.

Prior Supreme Court cases have already considered the land use practices of developed municipalities. These decisions have not been in the direction suggested by the Appellate Division, but have required developed communities to respond to local and regional needs. The outstanding example is DeSimone v. Greater Englewood Housing Corporation No. 1, 56 N.J. 428 (1970) where the Supreme Court sustained the grant of a variance for the construction of a subsidized housing project on a small tract of vacant land in a single family zone in the fully developed city of Englewood. The Court described in great detail the plight of Englewood's

poor and their need for housing. Relying on its conclusions as to the housing needs of these low income residents, the court stated that, "in sum, the use variance was properly granted. In fact, a denial of it under the circumstances and proofs could not well be sustained." 56 N.J. at 443. (Emphasis added). The last quoted sentence is extremely significant for the instant case since inherent in this sentence is the imposition on a developed municipality of an obligation to approve land use proposals which meet housing needs. Furthermore, this statement is echoed in Mount Laurel, supra, 67 N.J. at 188, note 21, where the court quoted a passage from a report of the New Jersey County and Municipal Study Commission, which declared:

> We recognize that new developments, whatever the pace of construction, will never be the source of housing for more than a small part of the state's population. The greater part of the New Jersey housing stock is found and will continue to be found in the central cities and older suburbs of the state.

Although the housing need which was evident in the DeSimone case resulted from local ghetto conditions rather than regional needs, the court's recognition of a developed municipality's obligation is relevant here. The consultants employed by Judge Gelman in this case, whose findings were relied on by the Appellate Division, did ascertain some locally generated housing need within the Township of Washington. This condition arose from the inability of younger couples and the elderly, who have resided in Washington for much of their lives, to find any affordable housing in that municipality. See Da 106-107, 109-111. As the consultants said,

> Within Washington Township's present population, two demographical groups can be identified as a possible need for apartment units. The first type is the young unmarried couples .... A second category of public need in the older group many of them empty nesters with grown children living elsewhere. Da 109, 110.

Furthermore, a D.C.A. study shows some 145 units of substandard housing in Washington. New Jersey Department of Community Affairs, An Analysis of Low and Moderate-Income Housing Needs in New Jersey 9 (1975).

Since prior to Mount Laurel Englewood had to take reasonable and appropriate action to satisfy the housing need caused by ghettoization, Washington should now be required to act to deal with the housing need resulting from the children of the in-migrants over the last twenty years, the elderly who no longer need single family homes, those who live in substandard housing and that share of the regional need reasonably allocated to Washington. To argue otherwise is to advance the untenable proposition that Mount Laurel actually cuts back on the urban municipal housing obligation implicit in this Court's emphatic endorsement of the Englewood variance.

The case of Sente v. Clifton, 66 N.J. 204 (1974) also supports the thesis that Mount Laurel has broad applicability. Clifton is a city with little vacant developable land. In this case the Court dismissed as moot a challenge to a municipal ordinance which established an allegedly restrictive minimum living space requirement. Despite the dismissal, the Court, in dictum, noted the possible effect of the restrictions on the ability of low income persons to find housing in Clifton. Clearly foreshadowing the Mount Laurel opinion, the Court advised that"regulations of this kind drastically affect the availability of housing", particularly, according to the record, the opportunity to find housing in Clifton, 66 N.J. at 208. Since the consequences of this ordinance could be so great in the "fundamental area of housing

perhaps the municipality should be called upon to justify this particular enactment." Id.

The municipal burden of justification suggested by the court, of course, mirrors the shift in burden of proof which was the core of the Mount Laurel technique for evaluating allegedly restrictive zoning ordinances. 67 N.J. at 180-181. The fact that Clifton is a "developed" municipality did not constrain the Court. The implication is that restrictive ordinances in substantially developed communities must be given the same judicial scrutiny as restrictive ordinances in communities which have a great deal of vacant developable land. The language in Sente can therefore be seen as reflecting the view that arbitrary barriers to housing opportunities must be viewed with great judicial skepticism no matter where they are found. The housing crisis in New Jersey, see Ingannamorte v. Borough of Fort Lee, 62 N.J. 521 (1973), Mount Laurel, supra, 67 N.J. at 179, impacts all areas of the state. The constitutional thrust of Mount Laurel as foreshadowed in Sente and DeSimone shows that the principles set forth therein concerning housing opportunities are not limited to one class of municipalities (those which are "developing"), but apply state wide.

The federal cases, although tied to racial concepts, largely resemble DeSimone in their insistence that developed municipalities accept multi-family housing for low and moderate income persons. In Kennedy Park Homes Association v. City of Lackawanna, 436 F. 2d 108 (2d Cir. 1970), cert. den., 401 U.S. 1010 (1971) the court found that the housing needs of blacks justified the grant of a building permit in a predominantly white ward of a very industrial city. Similarly, Metropolitan Housing Development Corporation v. Village of Arlington Heights, 517 F. 2d 409

(7th Cir. 1975) held unconstitutional an established white community's denial of a variance for construction of a subsidized, integrated multi-family project. This last case is particularly relevant here because it dealt with minority housing needs that were generated by a region-wide pattern of racial separation and not by the discriminatory action of the defendant municipality. Thus, the federal courts do not exempt built-up as opposed to developing municipalities. They impose a geographically uniform constitutional obligation with regard to the acceptance of a low or moderate income housing project. Compare the two cases cited above with Crow v. Brown, 457 F. 2d 788 (5th Cir. 1971) and Park View Heights Corporation v. City of Black Jack, 467 F. 2d 1208 (8th Cir. 1972) which deal with less developed areas.

In addition to these earlier State and Federal cases, a review of the Mount Laurel opinion itself leads to the conclusion that developed municipalities must do what they can to provide a variety and choice of housing for all residents or potential residents. The opinion in that case consists of three major concepts. The first is a state constitutional right to be presumptively protected from land use ordinances which cause economic barriers to residency within a municipality. 67 N.J. at 175. The second is the correlative municipality duty to enact zoning regulations which permit and, indeed, encourage the construction of housing for low and moderate income persons. 67 N.J. at 179-180. The third is the adoption of fair share of regional low and moderate income housing need as a measure of the extent of municipal duty. 67 N.J. at 190. These last two concepts will be initially treated because

they involve concrete planning criteria whose aplicability to developed communities can be accurately measured.

Municipal duty was defined in Mount Laurel to include both a negative obligation not to tie up vacant land with restrictive zoning and an affirmative obligation to plan actively for the accomodation of different economic groups.

The negative responsibility of developed municipalities; i.e. their obligation "not (to) adopt regulations or policies which thwart or preclude" housing choice, 67 N.J. at 180, may be significant in developed communities as to potential reuses of land and the use of that land which is still vacant. (see also considerations as discussed in Sente, supra, relating to restrictions on occupancy of existing housing.) However, this responsibility is of less significance than in communities where questions of large lot zoning, for example, would be relevant such as townships with large vacant areas. In contrast, the affirmative obligation imposed by Mount Laurel can be applied to every municipality in the state in which there is a demonstrable need for housing. There exists no geographical rationale for limiting the obligation "affirmatively to plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, " (67 N.J. at 179) or the obligation to take "whatever additional action encouraging the fulfillment of its fair share of the regional need for low and moderate income, may be indicated as necessary and advisable" including possibly, "the establishment of a housing authority." (67 N.J. at 192).

It is of crucial importance to note that the developed communities of this state, including its largest cities, already engage in affirmative planning to meet the housing needs of their citizens. In fact, the fully developed municipalitie

are the very ones most committed to this planning effort. Every municipality with over 50,000 people in New Jersey, as well as many smaller, built-up boroughs and cities, and most of the constituent municipalities, including Washington Township, in seven of the nine most urbanized counties, have submitted local or county-wide plans for subsidized housing as part of applications for federal money under the Housing and Community Development Act of 1974, 42 U.S.C.A. 5301, et seq.[1] According to the Act, such housing assistance plans in developed municipalities and urban counties, i.e., counties with participating municipalities totalling 200,000 population or more exclusive of central cities, must survey housing stock and determine housing needs (including expected in-migration), set annual goals for subsidized housing, and indicate the location of the proposed subsidized housing. 42 U.S.C.A.5304 (a)(4). This is the process which New Jersey's most developed communities and counties have engaged in over the past year to the apparent satisfaction of the United States Department of Housing and Urban Development which has approved all but one of the applications. Therefore, the affirmative planning which Mount Laurel calls for has been practiced most extensively by those communities to which Mount Laurel allegedly does not apply.

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[1] Among the municipalities submitting applications for community development assistance, which included housing assistance plans, were several from Bergen County, including the cities of Hackensack and Englewood and the Borough of Lodi. The counties receiving monies are Bergen, Burlington, Hudson, Middlesex, Monmouth, Morris and Union Counties. Camden and Essex failed to apply. Washington Township and Demarest are slated to get a small portion of the more than $1,500,000 coming into Bergen County. The primary objective of this money "is the development of viable urban communities, by providing decent housing and a suitable living environment. . . principally, for persons of low and moderate income." 42 U.S.C.A. 5301 (c). In Washington the community development money will be used for waterways projects.

Surely Mount Laurel cannot mean that these communities are now absolved in engaging in land use planning for the benefit of low and moderate income persons when, in fact, Federal law mandates that they so plan and, in fact, they are now engaged in such planning.

If there is any doubt that "developed" municipalities should not be viewed as static and that affirmative planning techniques can have an immense impact in built-up areas, one need only look at a place such as Fort Lee, once a single family suburb, which has become dominated by high-rise development. Quite clearly all municipalities are capable of such measures as establishing housing authorities, condemning land for housing and taking advantage of federal subsidy programs, which now offer support to persons in existing sound housing and aid for the construction of single family dwellings as well as the more traditional support for the construction or rehabilitation of multi-family housing. See 42 U.S.C.A. 1437f; 12 U.S.C.A. 1712z which were enacted as sections 201 and 211, respectively, of P.L. 93-383, the Housing and Community Development Act of 1974.[2] The range of planning alternatives may be limited by considerations of community character, which must be respected, but there can be little doubt that built-up communities are constantly changing through planning and zoning just as are less built-up suburban towns, and that the built-up areas possess the ability to plan for accommodation of different economic groups.

The sheer importance of developed communities as a source of housing also strongly argues for the application to them of the planning

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[2] These sections also appear in the Statutes at Large at 88 Stat. 662-666 and 88 Stat 671.

requirements in Mount Laurel. A passage of that opinion quoted earlier, supra, p. 6, asserted that such municipalities, rather than the Mount Laurel kind, would continue to provide much of the housing for New Jersey's low and moderate income citizens. Developed municipalities already have the infrastructure for housing---schools, sewers,water, streets--which make them a very economical, efficient, and hence, appropriate place in which to meet housing needs. These municipalities are usually more centrally located in terms of access to shopping, transportation and jobs. Washington for instance, is close to Hackensack and Paramus, the main shopping and economic hubs of Bergen County. Finally, the cumulation of vacant or redevelopable land in all such municipalities is extremely significant. Thus, from a state-wide perspective, developed municipalities offer in toto an extremely important amount of well located, well-serviced and convenient sites for housing. Mount Laurel, with its requirement for planning to meet housing needs, certainly implies very strongly that restrictions against housing choice in this vitally important class of community should be given close judicial scrutiny.

That the principles contained in Mount Laurel apply to redevelopment as well as to development, to towns with small tracts of vacant land as well as outlying areas, can be seen not only in the planning requirements contained in that decision but also in its criteria for determining fair share of regional housing need. Thus, while the Appellate Division decisions in Washington, Demarest and Wenonah appear to accord these single-family suburbs a fair share allocation of zero because of their settled character, the actual fair share criteria employed in Mount Laurel would result in an obligation on the part of virtually every community in this state. The court said, with regard to fair share determinations, that:

> We may add that we think that in arriving at such a determination, the type of information and estimates, which the trial judge (119 N.J. Super. at 168) directed the township to compile and furnish to him, concerning the housing needs of persons of low and moderate income now or formerly residing in the Township in substandard dwellings and those presently employed or reasonably expected to be employed therein, will be pertinent. 67 N.J. at 190.

There is nothing in these criteria which inherently restricts their applicability to communities which have a large amount of vacant land since vacant land should be but one of many factors in a sophisticated calculation resulting in a fair share allocation. Substandard housing, another factor, can exist and in fact more frequently does exist in built-up areas as do industrial ratables and access to jobs and shopping or other amenities. Any balancing of these factors will result in some allocation being given to primarily residential suburbs, even if that allocation is less than that in open areas which can accommodate large amounts of new housing.

Proof of this fact can be seen in the fair share plans which have actually been developed in New Jersey. Neither the Camden, Middlesex or Mercer County allocation schemes, whatever their individual merits, conform to the Appellate Division's position that built-up areas have a fair share of zero. Thus, Trenton is given an allocation of 2,807 units through the year 2000 while Camden is accorded 12,392 by 1990. Appendix 1,2ff. To be sure, a central city might meet its obligation by redevelopment, rehabilitation or rent subsidy, while an expanding industrial suburb might rely on new construction. In fact, the Camden County plan recommends only rehabilitation and replacement within Camden City. Nonetheless, no community should be able to ignore the needs of persons in substandard dwellings or those who have found employment within the community. It

simply makes no sense to say that Mount Laurel must provide for such people, but a Newark or an Englewood, which have traditionally been concerned about such people, can now ignore them, or that a Washington Township which has some 145 substandard units and over 100 vacant acres, according to the Department of Community Affairs, as well as elderly and young persons in need of reasonably priced housing, need do nothing.

The applicability of fair share allocation procedures to built-up suburbs is also shown in the instant case by the report of the trial court's consultants who, in fact, did do a fair share calculation similar to that recommended in Mount Laurel although their effort was ignored by the Appellate Division. Thus, while the Appellate Division did quote the consultants' conclusion that sharp limits should be placed on apartment construction in Washington, see slip opinion at 19, it utterly bypassed their equally strong assertion that regional and local housing needs justified a moderate amount of apartment construction in the Township and that some part of this amount should be constructed on the plaintiffs' land. Da 117, 119, 133-139. The local needs stemmed from an indigeneous market for moderate cost apartments arising from the plight of the Township's elderly and young persons as well as the realization that other municipalities could not be expected to absorb all of the local need.[3] See Da 121.

The consultants also found that Washington had a certain

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[3] As pointed out in amicus' moving papers, the lower court's reliance on the consultants' statements that apartments might better be built elsewhere was misplaced since the consultants noted the inability and unwillingness of other towns to take up Washington's slack. Compare slip opinion at 13 with Da 121.

additional responsibility to the region, even if it did not itself have any industry, since the argument that purely residential towns need not provide apartments

> /I/gnores the obvious and not-so-obvious economic linkages among suburban communities and between suburbs and core cities. The single-family suburb derives its economic sustenance from a labor force employed in other suburban offices and factories or in central cities. Thus, each suburban community receives economic benefits from the larger region in which it was a part and therefore must assume some of the responsibilities of and obligations to that region. Da 131.[4]

To amicus' knowledge, none of the parties to this case have challenged the findings of the consultants which were almost wholly adopted by the trial judge and selectively referred to by the Appellate Division. That court never explained its sub silentio rejection of some of their other ideas.

The consultants' position, accepted by the trial court, that Washington should bear some of the local and regional need for lower cost dwelling units is consistent with Mount Laurel. The Appellate Division's approach, which would throw the entire allocation elsewhere, is not. The Supreme Court stressed that so long as we do not have regional zoning in this state, each municipality will have to make some housing contribution. 67 N.J. at 189. The consultants below took the same view, commenting that Washington should not expect other municipalities to absorb its local need and all of the regional need. Thus, the attitude of letting someone else meet the fair share is not the law in New Jersey.

Amicus would conclude the argument for giving a fair share

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[4] The consultants were Jerome Rose and Melvin Levin, two professors from the Rutgers University Department of Urban Planning.

obligation to developed municipalities by noting that even the term "developing community", which defendant relies on for support is, as used in Mount Laurel, broad enough to encompass even a substantially settled community such as Washington.

The very quote, see Mount Laurel, 67 N.J. at 160, cited by the Appellate Division panels, and set forth in full, supra. p. 4, as authority for the proposition that Mount Laurel does not apply to places like Washington Township supports a more comprehensive view of the term "developing community." The cited paragraph refers to "central cities and older built-up suburbs" as contrasted with "municipalities which have undergone great population increase since World War II, or are now in the process of doing so, but still are not completely developed and remain the path of inevitable future residential, commercial and industrial demand and growth." The court's reference to World War II as a breaking point in determining whether a municipality is an older built-up suburb is extremely significant given the nature of post-war suburbs.

Zoning in this state was not firmly established until approximately 1930. Central cities such as Newark and their older industrial suburbs, such as Kearny or Harrison in Hudson County, and North Arlington in Bergen County, developed without the benefit of municipal restrictions which could influence the economic class of in-migrants. Most of these truly older suburbs have thus developed with a variety of housing and an economic class mixture that is not found in Post World War II suburbs such as Washington Township. As a result, these towns provide for at least a fair share of the regional need. In contrast, during the period of its growth from a population of 1,200 in 1950 to 10,600 in 1970, Washington

consistently barred multiple family dwellings. The same appears to be true of Demarest and Wenonah which are involved in two other cases to which reference has been made in this brief. The resulting demographic pattern of these communities has been entirely different from that in older suburbs. The end product can be seen in the Appellate Division opinion which stated that Washington Township can be described as an upper middle class community.[5] Slip opinion at 10, 11, 14.

The developed-developing dichotomy is thus not a function of vacant land but is a separation between those kinds of suburbs which traditionally have or have not satisfied a fair share of the regional housing need. Most of the older suburbs along with the central cities already have housing opportunities for a variety of income groups. On the other hand, post World War II Washington along with Mount Laurel has failed to provide such access. Thus, in terms of the provision for a variety and choice of housing, upon which this court laid such emphasis, there is no ground to make a constitutional distinction between Mount Laurel and Washington Township.

Further, the paragraph relied on by the Appellate Division refers to the suburbs which are "completely" developed. Such is clearly not

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[5] According to the Court incomes in Washington fall in the $24,000 to $40,000 range. Homes in 1970 had an average value of $37,600 and required for their purchase a down payment of $8,000; these figures which must be adjusted upward in light of the post 1970 inflation and are obviously out of range to the current bulk of New Jersey families. See slip opinion at 12. In contrast to this pattern are, for example, the much older suburbs of North Arlington and Wallington, also Bergen County in which the majority of the dwelling units are in structures housing two or more families. League of Women Voters of Bergen County, Where can I live in Bergen County. 17 (1972).

the case with Washington Township which has some 106 acres vacant. Similarly, Wenonah has 109 of its 660 acres vacant, while Demarest also has appreciable amounts of land available for development. These towns are not completely developed and do possess some territory over which they can exercise planning control.

Finally, although the Township claims not to have zoned for industry, it appears to be planying the ratables game which was so heavily criticized by the Court in Mount Laurel. Washington is now seeking to attract commercial ratables through its zoning of plaintiff's tract as office-research, although, according to the consultants there is no reasonable chance of obtaining such facilities in the near future. Da 97, 128. Despite this fact, and although plaintiff's tract is the only "parcel in the entire township. . .appropriate for apartment house construction," Appellate Division slip opinion at 18, the Township continues to zone plaintiff's tract as office-research. This clearly is the kind of zoning for the benefit of the local tax rate rather than the living welfare of people which was explicitly condemned in Mount Laurel. 67 N.J. at 188. In these circumstances the very letter of Mount Laurel is violated by zoning of land for industry without concommitant provision for workers. 67 N.J. at 187. If Washington can be a developing community in its desire to attract new industrial ratables, it can also be regarded as a town whose character is sufficiently fluid to enable it to zone for workers and other members of economic groups who cannot now afford its present housing.

The problem of Washington's pro-ratable, anti-apartment zoning scheme brings into focus the final relevant aspect of Mount Laurel.

This aspect concerns not the specific planning criteria by which all New Jersey communities may be judged, but rather the moral and constitutional ideal which illuminates and guides these criteria.

Mount Laurel asserts an individual's presumptive constitutional right to non-restrictive land use regulations. This right is based on the fundamental importance of decent shelter. 67 N.J. at 175.

This Court is now being asked to tell low and moderate income citizens that the right does not apply with equal force throughout New Jersey, that some places have greater latitude to exclude them than others, and that some communities need not strive to be "better communities for all than they previously have been." 67 N.J. at 191. Surely such a result should not receive judicial approval under Mount Laurel. That decision's conception of a democratic society which accomodates all persons stems from our deepest traditions of equality of opportunity. The Appellate Division decision, does not adequately embody that traditional ideal and should be reversed.

POINT II

THIS COURT SHOULD NOT ONLY DECLARE WASHINGTON TOWNSHIP ZONING ORDINANCE 73-1 INVALID UNDER MOUNT LAUREL, BUT IT SHOULD ALSO CONSIDER, AS A REMEDY, THE SPECIFIC REZONING OF PLAINTIFF'S TRACT.

The previous argument discussed whether Washington Township and similar communities were subject to Mount Laurel. This argument will deal with validity of the Township's ordinance in light of Mount Laurel and briefly describe the steps that Washington should take in order to meet its housing obligations.

Washington's ordinance must be clearly held at least presumptively invalid under Mount Laurel. The Township does not make realistically available land for the construction of apartments, mobile homes or other forms of dwelling units which can be afforded even by middle income individuals. The non-single family dwelling zoning allowed by Ordinance 73-1 covers tracts of land that are not likely to be used for less expensive housing. Da 139. The ordinance also imposes clearly invalid bedroom limitations and other requirements which raise the cost and hence the rental levels or sale prices of multi-family units. Da 125-126. Washington has also zoned land actively proposed for higher density residential purposes for office research even though such development is unlikely on the specific tract involved, Da 91, 128. Thus, Washington's zoning quite plainly obstructs the construction of inexpensive housing.

These several facts found by the consultants are sufficient to shift to Washington the burden of justifying its zoning restrictions. It also is clear from other findings of the consultants that Washington cannot sustain its burden. Even if community character is a valid justification for some exclusionary practices, the court should hold that Washington's ordinance goes too far in the

direction of exclusion. As was said in connection with environmental considerations to which concerns of community character are closely linked:

> The danger, and impact must be substantial and very real (the construction of every building or the improvement of every plot has some environmental impact) - not simply a make weight to support exclusionary housing measures or preclude growth - and the regulations adopted must be only that reasonably necessary for public protection of a vital interest. 67 N.J. at 187.

In this case, the evidence simply does not support any defense based on community character either in general or as to the particular tract at issue. As the trial court consultants stated in recommending an augumented multi-family zone in Washington:

> Proposed large scale apartment development in other communities may pose difficult problems but it seems clear that Washington Township can absorb a modest amount of middle income apartment development without suffering damage to the community's social fabric and amenities. Moreover, if such development is properly planned and controlled, it should not only remain physically and socially stable, but should contribute significantly to the housing needs of the housing needs of the community. Da 133.
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> . . .
>
> Fortunately, in Washington Township a reconciliation between modest change and protection of community values appears feasible. Da 134.

This finding is absolutely crucial on the issue of community character.

Further, other sorts of adverse impacts are also unlikely. According to the consultants, the traffic impact of development of the plaintiff's land will be no greater than that of the offices for which the tract is zoned. Da 128. The social characteristics of the apartment dwellers, even if they were a proper subject for a zoning ordinance, see Kirsch Holding Co. v. Borough of Manasquan, 59 N.J. 241 (1971),

would probably be similar to those presently residing in Washington. County and Municipal Government Study Commission, Housing and Suburbs, Fiscal and Social Impact of Multi-family Development 72, 121 (1974). Greater fiscal impact than that of conventional housing, is also extremely unlikely, Id. at ix-x.

Therefore, the ordinance and especially its constraints on multi-family zoning, cannot be justified under Mount Laurel and must be invalidated. It now remains to determine the guidelines under which the Township must rezone.

According to the record, the range of possible options Washington could employ in rezoning includes, but is not limited to apartments as proposed by the plaintiffs. The consultants also found that planned unit developments were feasible on plaintiff's property as well as one other site in Washington. Da 139-140. Such developments could consist of apartments, town houses, two family units, and could make use of a variety of zoning devices such as density bonuses. In appropriate circumstances mobile home parks could be considered although there is no evidence in this case which deals with their suitability in Washington. Approaches other than new construction might also prove useful, not only in Washington, but also we note, in our low income cities where the construction of additional low income units is extremely questionable from a policy and perhaps even a legal standpoint.[6] Thus Washington could make use of federal aid to rehabilitate substandard housing or to give rent subsidies to persons in sound housing who are paying a disproportionate share of their income for rent. The possibilities

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6. The Housing and Community Development Act contains language which drastically limits the use of federal subsidies for housing in areas which already have a predominantly low income character. 42 U.S.C. 5301; 5304(a) (4).

are numerous and facilitate a choice of a remedy which will meet housing needs while preserving community character and neighborhood stability.

If this were a case brought by low or moderate income persons on their own behalf the inquiry would end here. The defendant would be ordered to enact a new zoning ordinance which provided for one or more of the housing remedies found to be reasonable by the consultants below. However, there is a further problem in this case similar to the one this Court is facing in the Madison Township case which was reargued on November 18, 1975. This further problem results from the existence of a developer who wants specific relief with regard to a particular proposal. As to him, a generalized order to consider various alternatives in rezoning may be an entirely unsatisfactory result of a lengthy court proceeding. Therefore the Court must consider whether his particular situation warrants relief.

Initially the Court must determine the standard under which a particular project should be judged.

The Illinois Supreme Court dealt with this question in Sinclair Pipe Line Co. v. Village of Richton Park, 19 Ill. 2d 370, 167 N.E. 2d 406 (Sup. Ct. 1960). The case involved the relief a landowner was entitled to after he successfully invalidated a zoning ordinance. The Court was concerned that mere invalidation of the ordinance would lead to prolonged litigation if the municipality rezoned in such a way as to still prohibit the type of unit plaintiff sought to build. Accordingly, the Illinois Supreme Court held that a court, in addition to invalidating the ordinance, could also order that the owner be permitted to use his land for the purpose he sought provided the Court found this use to be reasonable.

In Casey v. Zoning Bd. of Warwick Tp., _____ Pa. _____ 328 A.2d 464 (Sup. Ct. 1974), the Pennsylvania Supreme Court expanded on this concern:

> The municipality could penalize the successful challenger by enacting an amendatory ordinance designed to cure the constitutional infirmity, but also designed to zone around the challenger. Faced with such an obstacle to relief, few would undertake the time and expense necessary to have a zoning ordinance declared unconstitutional.. . . This Court, in response to a petition for enforcement of our order in the Girsh Appeal directed the Township's Building Inspector to issue such building permit upon compliance by the petitioners with the Township Building Code. In doing so, we recognized that an applicant, successful in having a zoning ordinance declared unconstitutional, should not be frustrated in his quest for relief by a retributory township. . . . To forsake a challenger's reasonable development plans after all the time, effort and capital invested in such a challenge is grossly inequitable. 328 A.2d at 468-469

The Court in Casey held that in such a case the Court should order a building permit to issue provided the developer complies with all other applicable codes (subdivision, building code, etc.).

In July of this year, the Pennsylvania Supreme Court decided Township of Williston v. Chesterdale Farms, _____Pa _____, 341 A.2d 466 (Sup. Ct. 1975). Relying largely on Mount Laurel, the Court held that although the township had zoned for apartments, it had not provided "for a fair share of the township acreage for apartment construction." Accordingly, the Court directed that "zoning approval for appellee's tract of land be granted and that a building permit be issued given appellee's compliance with the administrative requirements of the zoning ordinance and other reasonable controls, including building, subdivision and sewage regulations which are consistent with this opinion." 341 A.2d at 468-69.

Federal courts in Crow v. Brown, supra, 457 F.2d 788, Dailey v. City of Lawton, 296 F.Supp. 266 (W.D. Okla. 1969), aff'd 425 F.2d 1037 (10th Cir. 1970); Kennedy Park Homes Assn. v. City of Lackawanna, supra, 436 F.2d 108 all ordered building permits to issue in cases involving racial discrimination.

The rationale underlying the Illinois and Pennsylvania decisions is persuasive. Thus, the Court might consider adopting the approach of Casey and Chesterdale Farms. There is, however, a countervailing consideration. A builder should not be permitted to construct housing on land that is totally unsuitable simply because he was the victorious plaintiff in an exclusionary zoning case. Amicus, however, believes that a remedy could be framed with would satisfy both this concern and the concern expressed in Casey about prolonged litigation and municipal retribution. The trial court could order that the municipality, in amending its zoning ordinance, rezone plaintiff's land to permit the type of unit sought unless the municipality can carry a heavy burden of proving that there are special circumstances why it should not be so zoned.

This approach would avoid the situation present in the instant case where the claims of the developer-plaintiff have gone unresolved for years and with no guarantee of the ability to build despite years of successful litigation. It would also avoid the result of the early Pennsylvania cases and that in both Madison and Washington Township, supra, where developers' "victories" have been pyrrhic; that is, where the result is that someone else's land (a non-party) gets rezoned and the developer-plaintiff gets nothing.

In finding this particular project unreasonable, the Appellate Division in this case, as in Wenonah and Demarest appears to have been impressed with the size of the project. However, the mere addition of people can never be a touchstone justifying exclusion in the absence of proven impacts. To state that a given development will add 20 per cent to a municipality's population is merely to point up a potential problem. It cannot without much more being shown, justify a rejection of an apartment project.

Rather, once a community fails to prove incapacity to absorb in a reasonable fashion, an apartment complex or other proposed measure, the issue becomes the relationship between the proposed units and identifiable housing needs. This should be the key issue in any developer's suit which seeks to come under Mount Laurel. Developers whose project will merely provide greater housing options for economic groups that can already afford access to a community should not be able to obtain direct relief. In other situations a balancing process could be employed. The lower the economic scale for which a project is designed, the more favorable should be the court's reaction to it and the less heavily should countervailing factors such as traffic or environmental harm be weighed. Special priority should be given to proposals for federally subsidized projects and to projects which are designed to serve an economic mix. (These two desiderata may amount in practice to the same thing since federal regulations establish a preference for economically integrated as opposed to exclusively projects.)

Another major factor to take into account in weighing the appropriateness of a project is the likelihood of alternative development of the particular site or other sites within the same municipality. A community should not be forced to go for the first proposal if there are others which are superior realistically in the offing. However, this factor does not affect plaintiffs here since no other projects with even the potentiality of fulfilling housing needs of moderate or middle income groups appear to be likely.

Problems could arise here, however, with the nine unit per acre density requirement imposed by the trial court since it may not allow the construction of units as economical as those originally projected in the proposed 15 unit per acre complex. Amicus is not certain that the consultant's decision to spread

apartment development over several sites at the density of nine units per acre will allow for housing priced within range of people who are currently excluded from Washington. This Court should consider a reintensification of the density allowed on plaintiff's tract in order to make possible housing for the excluded groups whose needs were identified by the consultants themselves.

Amicus would conclude by noting that the kind of housing plaintiffs could build at higher densities would serve middle as well as moderate income persons and families. Nonetheless, the principles enunciated in Mount Laurel are still involved because that case made it

> plain beyond dispute that proper provision of adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all land use regulation. 67 N.J. at 179. (Emphasis added)

The needs of upper moderate or middle income people who no longer can afford free-standing houses are, in appropriate circumstances, properly a subject of judicial solicitude under Mount Laurel. Given the limited availability of housing subsidies, municipalities should not be allowed to ignore other housing needs under the guise of providing special opportunities only for low and moderate income persons. What this Department has called in our Madison Township brief the moderate-conventional class of families, i.e., families with roughly the median income who are priced out of the single family dwelling market, should be aided by municipalities in which subsidized projects are not likely to be constructed in the foreseeable future. If plaintiffs are in fact ready and able to build in a reasonable fashion for this group of people, this Court should order their tract rezoned so that they can help meet the needs of this group.

POINT III.

THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION IN APPOINTING EXPERT ADVISORS

The first two arguments of this brief have dealt with the issue that the Appellate Division decided, namely the validity of ordinance 73-1. This last argument will deal with the problem it did not reach, the appropriateness of Judge Gelman's appointment of experts to advise him as to the remedy to be imposed. The discussion here will not repeat Judge Gelman's analysis of the cases about appointment of advisors, see 131, N.J. Super.195, 202ff (Law Div. 1974), but will assume the correctness of the standard he ladi down for the invocation of this procedure:

> Where the duty to be enforced by judicial decree impinges upon the exercise of executive of legislative functions by coordinate branches of government, remedial judicial intervention has been and should be exercised only as a last resort and after the legislative or executive branch has defaulted in its obligation to act. 131 N.J. Super. at 204.

This approach appears to have been approved in Mount Laurel which contains an implied endorsement of Judge Gelman's analysis of the relevant case law. See 67 N.J. at 192. Assuming the correctness of this standard, the problem becomes its application to the situation in Washington.

The history of the dispute between the plaintiffs and the municipality is contained in Judge Gelman's initial opinion, dated December 20, 1972 which voided the two acre zoning restriction on plaintiff's

property. The court there concluded:

> The imposition of a two-acre minimum for residential use would appear to have been a reflex response to the filing of an application by Waldy for a subdivision of the property and its evident purpose was not to further a comprehensive zoning plan but to inhibit plaintiffs development of the property for residential use. It should be noted that the lowest residential density otherwise required under the Township's zoning ordinance is one acre, and that is reserved for a relatively limited area of the community in the extreme northwest corner. Plaintiffs property, on the other hand, is substantially surrounded by existing residential development on lots containing 10,000 square feet or less. It shares the same physical characteristics as the neighboring properties, and the defendant has not offered any evidence to show that there was a rational basis for imposing such drastically different and discriminatory density requirements for the subject property.
>
> Support for this conclusion is also found in the Master Plan adopted less than four years before the enactment of this amendment to the zoning ordinance. While a Master Plan is not "necessarily synonymous" with the comprehensive plan required by statute, see Johnson v. Township of Montville, 109 N.J. Super 511, 520 (App. Div. 1970), it is certainly suggestive of a municipality's long range zoning plan and the objectives to be realized through zoning. Here the Master Plan contained no hint or suggestion that the characteristics of the plaintiffs' property were such as to require a different density use treatment than the lands surrounding it. Indeed the Plan recommended that it be accorded the same zoning restrictions with respect to density as existed before the Plan and in keeping with the zoning of the neighboring tracts. The sudden shift to two-acre residential zoning in the context found here cannot be sustained under our statutory or decisional law. As applied to the factual conditions of the present case, Ordinance 67-3 is arbitrary and discriminatory, and it bears no substantial relationship to the purpose of zonings set forth in N.J.S.A. 40:55-32. Slip opinion at 10-11.

The Township has never challenged these findings since it responded to the opinion and the consequent January 12, 1973 order voiding ordinance 67-3 by enacting ordinance 73-1, the validity of which is the sole subject

of this appeal.[7]

Although the trial court in this initial opinion disclaimed any intention to impose its own zoning scheme, see slip opinion at 22, it was confronted, some six months later, with a request by plaintiff to effectuate the January 12, 1973 order since ordinance 73-1 had failed to change the two acre zoning of plaintiff's tract. At this point, the court was forced to recognize the defendant had totally ignored his unappealed finding that two acre zoning was entirely inappropriate to plaintiffs tract. He also had affidavits suggesting that the multi-family zones extablished elsewhere by the defendants would not actually be used for that purpose. He could place some credence in these affidavits in view of the Township's resistance to the proposal for apartments on the Waldy tract.

In these circumstances the trial court cannot be said to have abused its discretion in refusing to remand the matter back to the township. He had declared two acre zoning illegal on plaintiff's tract but the municipality had not changed. He had ordered the Township to provide some multifamily zoning but in response the Township had rezoned some tracts which were alleged to be, and ultimately found by his consultants to be, owned by persons who had no plans to construct reasonably priced apartments. Judge Gelman could certainly conclude the plaintiff's right and the right of prospective apartment dwellers to fair treatment on the part of the Township required a prompt final disposition of the controversy.

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[7] Although the Appellate Division opinion technically appears to allow Washington to challenge the entire January 12 order and thus reassert the validity of the two acre zoning in 67-3, the township has only attempted to sustain 73-1 on appeal. It thus has as a practical matter considered that 67-3 is unconstitutional.

His appointment of advisors being suited to that end, he appropriately exercised in discretion as a chancery judge in choosing this course of action. Since one of his other possible courses of action, outright grant of a building permit, would have been a more drastic step, while a further remand to the township would have rewarded its apparent resistance to his January 12 order, his appointment of advisors cannot be regarded as an erroneous abuse of discretion. His action should be sustained,

Respectfully Submitted,

STANLEY C. VAN NESS
PUBLIC ADVOCATE OF NEW JERSEY

By _____
Peter A. Buchsbaum
Kenneth E. Meiser
Assistant Deputy Public Advocates

Carl S. Bisgaier
Deputy Director
Division of Public Interest Advocacy

Suburbs key in Mercer housing

Trenton has minor role in 25-year plan for low-income u

By MARK JAFFE
Staff Writer

Construction of new low and moderate income housing in Mercer County during the next 25 years would be concentrated in the suburbs under a housing allocation plan reluctantly released yesterday by the county Planning Board.

About half of the allocation would go to Hamilton, Ewing, and Lawrence townships and the Princeton area, according to the proposal. But Trenton also is ticketed for more than 2,800 of the 18,103 proposed units.

The remaining units, about one-third of the total, are earmarked for the Hopewell, East Windsor and West Windsor areas and Washington Township.

"They (the municipalities) are going to take our heads off," predicted planning chairman Minot C. Morgan Jr., as his board diffidently took up the plan, although no one seemed to really like it.

"This is just shoveling numbers around," complained board member Ingrid W. Reed. "This isn't planning."

However, the county has an end-of-the-year deadline to submit a plan to the Delaware Valley Regional Planning Commission. If no plan is submitted, Trenton, Hamilton and Hightstown Borough stand to lose millions of dollars in community development bloock grants.

Have to act

"We have to act." County Executive Arthur Sypek told the board. So, with a mixture of dissatisfaction and dread the board agreed to hold two public hearings to let the municipalities respond to the plan.

One meeting will be held Dec. 5 at 8 p.m. and the second will be held on Dec. 10 at 1 p.m. Both hearings will be held at the county administration building in Trenton.

Under the countywide plan, Trenton would, over the next 25 years, be targeted for 2,807 low- and moderate-income units; the Princeton area (township and borough) for 2,661; Hamilton for 2,387 and Ewing for 2,082.

The allocation for Lawrence is 1,882; for the Hopewell Valley 1,611; and West Windsor 1,594.

The two smallest allocations go to East Windsor 1,324 and Washington

Mercer housing plan

(Continued from Page A1)

1,013.

This allocation is based on figures given to the county by the regional planning commission. Leo Laaksonen, county planning director, explained that his staff felt that there were some inaccuracies in the regional commission's computation but only they can change the total figures.

"We shouldn't let the DVRPC get away with this," Mrs. Reed said.

Morgan agreed "these figures are ancient. We should spend the next 12 months getting better figures."

Hard to accept

"I find it difficult for us to accept numbers we don't believe in," Freeholder Albert E. Driver said.

Thomas Dyckman, housing officer

(Continued on Page A3, Col. 5)

for the regional planning commission, reached at the regional planning commission offices in Philadelphia, said "if Mercer County has better data than ours we will be glad to take it, analyze it and amend the plan."

"We never said these are absolute figures . . . As we get better data the entire regional plan (encompassing nine counties) will change.

Although the gross figures — 7,436 low-income units and 10,667 moderate-income units for Mercer — were given to the county by the regional planning commission, the way they were distributed is solely a county decision.

Leo Laaksonen, county planning director, told the board that some allocation, even one that might be revised later, had to be accepted by year's end. "Otherwise the community development bloc grant programs in Highstown Borough, Hamilton and Trenton will be jeopardized."

Laaksonen explained that the regional planning commission reviews bloc grant applications for the federal government and uses the municipal housing allocation as one measure to determine if a municipality is meeting its housing needs. No housing allocation, no federal funds.

A lot at stake

"I guess the best we can do is say (to the municipalities) these figures are ancient . . . but we ask you to accept them for the time being because we have three communities that have a lot at stake," Morgan said.

Driver asked what the other municipalities would be required to do. "They do not have to adopt or agree with the plan," Laaksonen said.

"You mean the other 10 can scream like hell," Morgan added.

However, regional planning officials say that the federal government may tie more of its programs (like sewer funding) to accepting housing allocation.

In addition, they say that these allocations have become more important since the state Supreme Court's Mount Laurel excusionary zoning decision.

In that ruling, the court said that every developing municipality had to assume its "fair share" of the regional low- and moderate-income housing need

Trenton Evening Times
11/23/75 p. 1 Cols. 1-4.

MARY DAVIS PLANNING CONSULTANT
878 NORTH TWENTY SECOND STREET
PHILADELPHIA PENNSYLVANIA 19130
215 235 7120

THE CAMDEN COUNTY HOUSING LOCATION PLAN:

Alternative Methods

For Review by the Camden County Planning Board

April 18, 1974

THE RECOMMENDED METHOD

The following table details the results of the recommended method. According to the County housing projections for 1970 to 1990, the total need for additional units during that period is 92,480, of which 27,702 units will be needed for upgrading (rehabilitation or replacement) of units which have deteriorated and 64,778* will be needed for growth. The County housing projections are used here instead of those developed by the Delaware Valley Regional Planning Commission, because the County figures are less conservative, probably due to a more detailed analysis of replacement need. It should be emphasized, however, that the Recommended Location (%) can be applied to any housing projection figure; and that when housing projections are revised, the Housing Location Plan should be revised accordingly.

The second column of the table is the total number of UNITS RECOMMENDED FOR UPGRADING AND FOR GROWTH FROM 1970 TO 1990. The third and fourth columns show what portion of those units is recommended for upgrading (rehabilitation or replacement) and what portion is recommended for new housing growth. IT IS RECOMMENDED THAT MUNICIPALITIES ENCOURAGE THIS VOLUME OF UPGRADING AND HOUSING GROWTH BETWEEN 1970 AND 1990.

*This figure includes an allowance of vacant units adequate to maintain the orderly transfer of housing without undue pressure on prices.

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RECOMMENDED NUMBER OF UNITS FOR REHABILITATION/
REPLACEMENT AND GROWTH, 1970-1990

	Method 1 Recommended Location(%)	Recommended Additional Units 1970-1990**	Recommended For Rehab./ Replacement	Recommended For Growth
Audubon Boro.	1.6	1,480	458	1,022
Audubon Park Boro.	0.4	370	-	370
Barrington Boro.	1.8	1,665	291	1,374
Bellmawr Boro.	1.6	1,480	394	1,086
Berlin Boro.	2.3	2,127	157	1,970
Berlin Twp.	1.4	1,295	227	1,068
Brooklawn Boro.	.9	832	69	763
Camden City	13.4	12,392	12,392	-
Cherry Hill Twp.	10.1	9,340	825	8,515
Chesilhurst Boro.	1.1	1,017	55	962
Clementon Boro.	1.4	1,295	158	1,137
Collingswood Boro.	1.7	1,572	401	1,171
Gibbsboro Boro.	1.3	1,202	69	1,133
Gloucester City	2.0	1,850	958	892
Gloucester Twp.	6.1	5,641	709	4,932
Haddon Heights Boro.	1.4	1,295	145	1,150
Haddon Twp.	1.8	1,665	350	1,315
Haddonfield Boro.	2.6	2,404	149	2,255
Hi-Nella Boro.	1.1	1,017	24	993
Laurel Springs Boro.	1.0	925	60	865
Lawnside Boro.	1.4	1,295	95	1,200
Lindenwold Boro.	1.5	1,387	480	907
Magnolia Boro.	.9	832	134	698
Merchantville Boro.	1.4	1,295	81	1,214
Mt. Ephraim Boro.	1.2	1,110	127	983
Oaklyn Boro.	1.2	1,110	116	994
Pennsauken Twp.	9.5	8,786	823	7,963
Pine Hill Boro.	1.4	1,295	223	1,072
Pine Valley Boro.	*	*	*	*
Runnemede Boro.	1.3	1,202	212	990
Somerdale Boro.	1.1	1,017	191	826
Stratford Boro.	1.3	1,202	355	847
Tavistock Boro.	*	*	*	*
Voorhees Twp.	4.7	4,347	155	4,192
Waterford Twp.	4.8	4,439	252	4,187
Winslow Twp.	12.6	11,652	982	10,670
Woodlynne Boro.	.7	647	104	543

Notes:
* Pine Hill includes Pine Valley; Haddonfield includes Tavistock.
** Includes new and rehabilitated housing for all age and income groups.

4a