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EDITORIAL: COAH rules punish towns and taxpayers

Friday, March 21, 2008 1:46 AM EDT

The state Council on Affordable Housing needs to go back to the drawing board.

The third-round rules it issued in December would require far more housing than most towns could comfortably provide, creating the likelihood of a backlash against the agency and its objective of ensuring that there is housing for low- and moderate-income residents throughout the state.

The new rules, if they are approved by COAH after the public comment period ends Saturday, will create real costs to local taxpayers, in terms of local services and infrastructure and the need to pay for the construction of the housing.

The new regulations were issued in response to a January 2007 decision by a state appellate panel that invalidated a previous set of third-round rules. The court said the rules, which allowed municipalities to determine their own housing obligation and allowed half their units to be age-restricted, were inadequate and that they underestimated the number of units needed.

The rules now under consideration are based on a "growth-share approach" that measures the need for affordable housing based on the amount of residential and commercial development expected to take place between 2004 and 2014. COAH says the rules would more than double the number of required units statewide from 52,000 to 115,000, but municipalities around the state are estimating a far greater impact on their housing mandate.

In Princeton Borough and Montgomery Township, some officials have now gone so far as to question whether their municipalities should even submit a plan under the program's third round.

Borough Council members cited concerns about the ever-changing rules, the growth-share exemption granted Princeton University and the difficulty of creating affordable units in one of the state's most expensive municipalities.

While we agree with the growth-share concept in principle — towns that create jobs should have to provide housing — we believe COAH has created unrealistically aggressive targets.

The new proposal calls for one affordable housing unit for every 16 jobs or five residential units created between 2004 and 2018. The original third-round rules called for one unit per 25 jobs or nine housing units. Had COAH left it at that, the new rules would have been defensible.

But COAH took the new guidelines a step farther. It changed the way it calculated the number of housing units and jobs, resulting in a significant increase in the number of units. The job ratios, in particular, have been met with criticism both by local municipal officials and planners and warehouse developers who say these ratios estimate far more workers than will be needed.

In Montgomery Township, for example, 555 new affordable units would have to be completed by 2018, based in part on a projection of 2,712 new jobs.

Township Committee member Louise Wilson said that COAH'S commercial growth assumptions disregard planning efforts to scale future development to limited road and sewer capacity. "It's just nuts," she said.

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In addition, the new numbers were made retroactive to 2004, penalizing towns for COAH's own delays in creating sensible third-round goals and sticking municipal taxpayers with the resulting shortfalls in trust fund dollars from developments.

COAH needs to rethink its latest attempt at providing housing and take into account the concerns of municipal governments.



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