

**PlanSmart NJ's Testimony at the Public Hearing on Speaker Joseph Roberts' Legislative Package on Housing: Monday, December 10, 2007**

Thank you for inviting me to speak today. My name is Dianne Brake. I am president of PlanSmart NJ, the new name for the Regional Planning Partnership. I am a planner by training and have been at PlanSmart NJ since 1985. I had a seat on COAH from 1990 to 1995, and a seat on the State Planning Commission from 1996 to 2001, where I chaired the Plan Implementation Committee. I am a founding member of the Coalition for Affordable Housing and the Environment and a founding member of the NJ Regional Coalition. Colleagues from both of these coalitions are represented here today.

For almost 40 years now, PlanSmart NJ has been at the forefront of land use planning issues, one of the most important of which is housing. Over these four decades, we have tracked the changing housing patterns in the thirty-two towns in the Route 1 Corridor, as well as advocating for better housing policy statewide. The positions PlanSmart has taken over the years have been grounded in the real world experience of our individual, corporate, municipal and county members.

For years, New Jersey had led the nation in progressive change. But the Garden State's reputation has been tarnished by the failure over the last ten years to continue along this track. *The time has come to abolish the practice of Regional Contribution Agreements allowed in the 1985 Fair Housing Act.*

PlanSmart NJ knows that abolishing RCAs is just one step in addressing the persistent problems of sprawl and regional equity in New Jersey. Many more steps must be taken: changes to laws, plans, regulations, infrastructure investments that have, over the years, encouraged these problems.

But abolishing RCAs today signals a comprehensive change in direction, away from backsliding, and toward putting New Jersey back on the path of progress and national leadership on housing and planning issues.

Today, I have been asked to comment specifically on the validity of two points that have been raised against the abolition of RCAs:

1. The first is the myth that affordable housing projects in the suburbs are responsible for sprawl.
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2. The second is the myth that directing the new construction of affordable housing away from suburban areas and into cities, as RCAs do, is smart growth.

I am here to warn you: Do not let opponents of this bill raise the specter of sprawl or the promise of smart growth in relation to Regional Contribution Agreements.

Allowing suburbs which have courted job growth to pay poorer cities that have lost jobs to take up to 50 percent of their affordable housing obligation is simply wrong. It is wrong from a moral standpoint, as well as from a legal and planning standpoint. RCAs are completely counter to the *Mt. Laurel* Doctrine and the spirit of the Fair Housing Act and the State Planning Act, which were put into place because sprawl was already

acknowledged as a dysfunctional land use pattern that needed court and legislative action to address.

If you were to view the amount of affordable housing that has been built since 1975, you would see what a tiny portion it is of all the development that has taken place in the suburbs – 5.7% of all housing. And it has nothing to do with the over 270 million square feet of non-residential development. Saying that affordable housing in the suburbs creates sprawl is like saying that the flea creates the dog.

I would add that it is equally inappropriate to associate the pattern of development resulting from Builders' Remedies as causing sprawl. It would be far more appropriate to consider the culprit to be local zoning that could have been amended to create compact hamlets and villages that incorporate affordable housing as has been clearly mandated since 1975 as their constitutional responsibility. If local zoning was not changed as it should have been, it is far more likely to be because of the local fiscal burdens created by the state's overreliance on local property taxes.

Sprawl was well underway before New Jersey passed its first affordable housing policy. It predates the Municipal Land Use Law, the Affordable Housing Act, and the State Planning Act. In fact those pieces of legislation were enacted because local land use decisions – rational as they may be at the local level – had created a land use pattern that was irrational and dysfunctional at the regional and state level.

This pattern of development that we call sprawl was created by decades and decades of national, state, county and local policies and programs, including the pattern that is dictated by local zoning, which, in the suburbs, continues to be almost exclusively large lot, single-use zoning. It is local planning board decisions, coupled with state regulations, tax policies and infrastructure investment policies, that create sprawl. Efforts to get affordable housing where it is needed do not.

Now the topic of smart growth:

Since the State Planning Act was signed in 1986, New Jersey's efforts to rationalize the existing pattern of development have evolved into what we now call smart growth programs.

Smart growth is not simply about location, it is about performance. We want growth to perform, to improve conditions on the ground. Growth, if it is to be considered "smart," is expected to promote economic prosperity, redress inequities, restore and protect environmental quality and, by rationalizing problems with existing land use patterns, promote a better quality of life for all.

**Smart growth is planning for the jobs and housing that we need**, and arranging those new jobs and new houses on the landscape in such a way that the new land use pattern will improve three conditions:

1. Increase public transportation and reduce auto-dependence;
2. Improve the protection of water and critical habitat ; and
3. **Improve the levels of racial and economic integration in communities across the state.**

It is the latter goal that we are here to discuss today.

Since social and economic integration is a key aim of smart growth and one of the nine goals written into the State Planning Act, it cannot be consistent with smart growth policy to allow suburban towns with good jobs outside of transit centers to pay towns which have lost those good jobs in transit centers to take up to 50 percent of their affordable housing obligation.

This inequity requires that NJ take a multi-pronged approach to realize the promise of smart growth over the course of the next twenty years or more. Such an approach would require us to:

- 1) Grow more jobs and market rate housing in urban areas and downtowns;
- 2) Provide money for rehabilitating housing and improving conditions in urban areas and downtowns;
- 3) Ensure that growth in suburban and rural areas includes meeting their fair share of the region's affordable housing;
- 4) Promote land use and transportation planning that improves the functionality of the public transportation system, creating a well-connected system of major arteries to minor capillaries in order to rationalize the existing land use pattern, and;
- 5) Reform the tax structure to ensure that it encourages, rather than obstructs, urban revitalization and the construction of needed housing in general and affordable housing in particular.

All of these initiatives are much larger than what is on the table today. But abolishing RCAs now could be a small first step toward these reforms and a giant step toward regional equity.

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1. The glossary of the adopted State Development and Redevelopment Plan, defines sprawl as “a pattern of development characterized by inefficient access between land uses and to public facilities or services and a lack of functional open space. Sprawl is typically an automobile-dependent, single-use, resource-consuming, discontinuous, low-density development pattern.”