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Englewood Cliffs required to allow hundreds of affordable homes after violating fair housing laws for decades

Fair Share Housing Center hails ruling that will dismantle exclusionary practices in Bergen County town

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Englewood Cliffs is required to build hundreds of new homes affordable to working families and people with disabilities - after violating the state's fair housing laws for decades, a Superior Court judge has ruled.

The decision by Bergen County Superior Court Judge Christine A. Farrington requires borough officials to provide a plan within 90 days to build 347 homes to satisfy the town's fair housing obligations under the Mount Laurel doctrine - or be stripped of all zoning powers.

In her ruling, Judge Farrington found the town had failed to ever build a single affordable home - while attempting to use the state's fair housing laws as a shield to continue practices designed to exclude low-income families.

In the meantime, the town approved substantial other development, such as the new headquarters for LG.

Judge Farrington thus found Englewood Cliffs had demonstrated it was a "recalcitrant municipality with a clear pattern of exclusionary behavior."

"For forty-plus years Englewood Cliffs worked to thwart the promise of the Mount Laurel doctrine by repeatedly undermining New Jersey's fair housing laws," Fair Share Housing Center Executive Director Kevin Walsh said. "As a result, there has not been a single home created in Englewood Cliffs that is affordable to working families, persons with disabilities, and many others. Today's decision will end that by leading to hundreds of new affordable homes that will open the doors of opportunity to New Jersey's lower-income residents."

Englewood Cliffs is only the second municipality in New Jersey, after South Brunswick, to be stripped of its land use powers for failing to follow the Mount Laurel doctrine in the current round of litigation and then found after a subsequent trial to be determined to be violating the

round of litigation and then found after a subsequent trial to be violating the Constitution.

It stands in stark contrast to the more than 300 towns that have reached settlements with housing advocates and civil rights groups to build tens of thousands of new homes to address the state's fair housing crisis. And it comes a month after advocates signed a historic fair housing settlement with Princeton.

"Today's ruling sends a clear message to the few remaining towns in New Jersey that want to continue excluding low-income families and people of color at all costs," said Kevin Walsh, Executive Director of Fair Share Housing Center, who played a lead role in litigating the case. "Hundreds of towns across our state have chosen to work with advocates to tackle entrenched racial and socioeconomic segregation. The towns that don't now know that they will be held accountable by the courts."

Judge Farrington appointed an attorney to oversee Englewood Cliff's implementation of her order, which includes adopting new zoning for the borough that will allow it to meet its obligation.

The ruling comes after Judge Farrington stripped the borough of protection from affordable housing suits brought by builders - a testament, she said, to its continued refusal to act in good faith and to deepening inequality in the town.

"The court has considered the realities of the situation in the Borough of Englewood Cliffs," she wrote. "The uncontroverted reality is a community becoming increasingly more exclusive and which has failed to build a single unit of affordable housing."

The next phase of the litigation is scheduled to commence on Wednesday and will focus on a proposed development at 800 Sylvan Avenue, after the borough rejected the owner of that development's proposal to construct over 100 new affordable housing units at the site to help the town meet its obligations.