



Affordable Housing Obligations

Housing for special needs adults can help municipalities meet their numbers

Steve Setteducati, CEO, New Concepts for Living (NCFL); Former Mayor, Emerson

In 2001, the Borough of Emerson was responding to the loss of a builder's remedy lawsuit from a developer who was proposing to shoehorn a 24-unit condo complex on a small parcel of property in the borough.

At the time, I was serving on the planning board and Emerson had a 20-unit affordable housing obligation under the Mt. Laurel doctrine. The development would have met some, but not all, of the borough's obligation.

Some of my colleagues in Borough Hall were prepared to fight the suit all the way to the New Jersey Supreme Court, where surely, we would have lost. I was sure that there was a better solution, one that would cause less stress on resources that would also allow us to meet our obligation and maintain the charm of our community. After some research, I learned that residences for individuals with intellectual and developmental disabilities (I/DD) could not only fulfill our affordable housing requirement but do it in such a way that would bring less stress on our community's resources.

Instead, I proposed that we build three, one-level cottages with five apartments for individuals with I/DD, each with two bedrooms.

Bonus Credits

At the time, the state's affordable housing law allowed municipalities to earn an additional bonus credit for each unit of dedicated special needs housing. The bonus amounted to 1.5 units for every single bedroom built for individuals with disabilities. Therefore, the proposed 10 bedrooms gave Emerson 15 credits towards its affordable housing obligation—a much better option than building a 24-family apartment complex with only a portion set aside for affordable housing.

When I ran for mayor in 2002, my opponent tried to turn the proposal into a campaign issue, rallying people against the plan, claiming it would lower property values, result in criminal activity, create noise, and harm the community's character.

When the plan was presented to the court, Bergen County Superior Court Judge Jonathan Harris commended Emerson's efforts to meet its affordable housing obligation and its ability to "Make lemonade out of lemons."

After winning the election, one of my first initiatives upon being sworn in as mayor in 2003 was to arrange to purchase the property from the developer for \$500,000. The borough in turn gifted the property to a non-profit organization that provided day services and community residences (group homes) to the I/DD community and was interested in expanding. In exchange for the land, the organization agreed to build the three cottages with 10 bedrooms as we had laid out in our proposal.



An Innovative Formula

Emerson became one of, if not the first, municipalities in New Jersey to utilize special needs housing to meet affordable housing requirements. This innovative formula for meeting a municipality's housing obligation has since become a widely adopted model throughout the state, providing a much-needed increase in available living options for adults with I/DD.

A little more than two decades after the Emerson community was built, New Concepts for Living, the organization that developed those original cottages, has continued to create additional community residences throughout Bergen County, helping other communities meet their affordable housing obligations. The organization houses approximately 100 individuals with I/DD with plans to add four-to-six new homes annually.

Last year, the legislature passed a bill codifying the Mt. Laurel affordable housing doctrine. The new law sets the number of affordable housing units each municipality is required to

provide over the next decade. By June 30, municipalities must submit specific plans for how they will achieve their affordable housing obligation.


The State now provides two credits toward a municipality's affordable housing obligation, instead of 1.5, for each bedroom built dedicated to special-needs housing. This gives communities an effective way to meet their obligation and at the same time create needed housing options for individuals with special needs.

Investing in special-needs housing not only addresses the broader demand for affordable housing but also aligns with the New Jersey Council on Developmental Disabilities' policy, which affirms that individuals with I/DD "have a legal right to live in the community and to receive necessary services and supports."

With very few exceptions, individuals with I/DD meet the low-income threshold for affordable housing. Unlike other forms of affordable housing that typically face opposition, affordable housing for adults with I/DD avoids

additional strains on many local services, including school systems.

If New Jersey intends to meet the pressing demands of its special needs community, expanding affordable housing for individuals with I/DD must be a top priority. This initiative not only empowers individuals to live with dignity but also helps municipalities fulfill their affordable housing commitments.

Developing housing for the I/DD community is a win-win solution offering municipalities a practical way to meet housing requirements while promoting inclusion, strengthening communities, and ensuring that everyone has a place to call home. 

Steve Setteducati is CEO of New Concepts for Living (NCFL), a New Jersey-based nonprofit dedicated to supporting adults with intellectual and developmental disabilities (I/DD). Prior to becoming CEO in 2016, Steve served as a member of the NCFL Board of Trustees. Steve is also a former mayor of Emerson, where during his tenure, he spearheaded a plan that made the town one of the first municipalities in the state to utilize special needs housing to meet affordable housing requirements.

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