

COURT ORDERS CHRISTIE ADMINISTRATION TO END DELAY ON COAH

Requires Sworn Certifications on Progress from DCA Commissioner; Will Consider Whether to Appoint Special Master

January 19, 2011 – New Jersey - The Appellate Division of the New Jersey Superior Court has ordered the Christie Administration to stop delaying new COAH rules for municipal obligations for low- and moderate-income homes. The Court is requiring a sworn certification from DCA Commissioner Lori Grifa every two weeks on progress towards new rules, with the first certification due on January 28, 2011. The Court also said that it would consider appointing a special master to oversee the agency depending on the content of the first report.

“The Christie Administration has flagrantly defied the decision of the Appellate Division requiring an end to the decade-long delay in implementing the state’s housing laws,” Fair Share Housing Center Staff Attorney Kevin D. Walsh said. “The Court’s order will help ensure that New Jersey’s wealthiest municipalities cannot use burdensome regulations to exclude starter homes - at a time when such regulations are impeding economic recovery by preventing both non-profit and for-profit builders from meeting the demands of the market.”

The order comes after the Christie Administration openly admitted to the Court that it would not meet a court-imposed deadline of March 8, 2011 for implementation of new rules for the Council on Affordable Housing (COAH). The Court in an October 8, 2010 decision invalidated COAH’s prior rules as unconstitutionally giving too much discretion to municipal regulation. The Christie Administration, in a January 10 filing with the Court, said that it was not working on the rules and would not meet the deadline, even though the Court had already explicitly denied COAH permission to delay adopting the rules, a decision that COAH has now appealed to the New Jersey Supreme Court.

“New Jersey can’t afford the Christie Administration’s foot-dragging on this critical issue,” Walsh said. “Thousands of working families, people with special needs, and lower-income seniors and New Jersey’s business community are anxiously awaiting sound and constitutional regulations.”

The decision comes against the backdrop of legislation recently passed by both houses of the Legislature, S-1/A-3447, which would abolish COAH and replace it with a new state housing policy. However, unless and until Gov. Christie signs that legislation, COAH remains current law and is bound to continue its work by court order.

