

## **Christie Administration Disregards NJ Supreme Court Deadline for Adopting New Housing Rules**

***Board responsible for rules has not met since the Court's September 2013 ruling, let alone adopt new rules, because Christie cabinet member has refused to schedule a meeting***

Trenton, NJ – Today's five-month deadline for adoption of new rules by the Council on Affordable Housing (COAH), which was set by the New Jersey Supreme Court in a September 26, 2014 ruling, will pass without the agency taking any action to comply with the decision. A court hearing has been scheduled on March 5, 2014 at 10 a.m. in Newark before a three-judge appellate panel on Fair Share Housing Center's motion to enforce the Supreme Court's order.

"The Christie Administration is blocking thousands of new homes from moving forward – which is especially critical after Hurricane Sandy destroyed so many houses and made housing even more expensive in New Jersey," said Fair Share Housing Center attorney Kevin Walsh. "Ignoring a court order is serious business. This is a breach of the basic rules by which our government functions."

In its September 26 decision, the New Jersey Supreme Court affirmed the Mount Laurel doctrine, which limits the ability of municipalities to exclude lower-income people, African-Americans, and Latinos. The Court rejected the Christie Administration's attempts to allow wealthy towns to abuse their zoning powers to exclude entry level homes for working families, lower-income seniors, and people with special needs. The Court required COAH to adopt new rules to allow these homes by today.

Despite this clear court order, COAH has not taken any action. Rules must be proposed, published for public comment, and then adopted by a state agency, a process that takes at minimum three months. Here, COAH has not taken the first step in the process, and it is thus impossible for the agency to comply with the court's order. The agency's attorney told the Supreme Court at oral argument that it would take 30 days to prepare regulations, but in five months has done nothing.

The agency has not met once since the Supreme Court's decision because Department of Community Affairs Commissioner Richard Constable, the chairman of the COAH board, failed to schedule a meeting at which the board could take action. No meetings are currently scheduled, and COAH has not met since May 2013, when it met to attempt to seize \$165 million in housing trust funds from municipalities.

Oral argument on Fair Share Housing Center's pending motion to enforce litigants' rights will be on March 5, 2014 at 10 a.m. at Veteran's Courthouse in Newark. The briefs filed in the matter are available [here](#).

Contacts:

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