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COAH 3rd Round Regulations Overturned

On January 25, 2007, the Appellate Division issued a 129-page decision overturning some of the third-round Council on Affordable Housing (COAH) rules. This includes the requirement for in-lieu payments and the requirement that developers provide for one affordable housing unit for every eight market units constructed. The Court gave COAH six months to adopt new regulations in compliance with its decision. It remains to be seen whether an appeal will be filed to the New Jersey Supreme Court, however, without a stay being granted, these rules are no longer in effect.

The question raised is the impact of this decision on planning or zoning board approvals requiring developers to either construct affordable housing or provide in-lieu payments under a municipality's third-round obligation. If you have such an approval, you may want to consult with your attorney as to what steps you should take to protect your rights.

This information is not to be construed as legal advice. If you have any questions or if you would like to discuss this issue or any other real estate matter, please do not hesitate to contact any of the following attorneys:

Michael J. Gross – mgross@ghclaw.com – 732-219-5486

John A. Giunco – jgiunco@ghclaw.com – 732-219-5496

Paul H. Schneider – pschneider@ghclaw.com – 732-219-5487

Michael A. Bruno – mbruno@ghclaw.com – 732-219-5498