

Lashway, Lisa

**From:** NJLM - Municipal Clerks [njlm-clerks@cityconnections.com]  
**Sent:** Tuesday, February 16, 2010 3:19 PM  
**To:** Lashway, Lisa  
**Subject:** NJLM Mayors Letters Coah Exec Order

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William G. Dressel Jr.  
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### LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

February 16, 2010

Re: Affordable Housing, COAH and  
Executive Order

Dear Mayor:

I write to provide an update on developments related to affordable housing. As you know, Governor Christie signed Executive Order Number 12 suspending COAH from acting on its "3rd round regulations" and creating a Task Force to advise the Governor on COAH and statewide planning issues. This was summarized in our Dear Mayor letter of February 9.

Since then, we have received numerous inquiries and questions regarding the impact of the Executive Order, the status of COAH and affordable housing in general. We note that the Executive Order prohibits COAH from acting on its regulations, unless authorized by DCA Commissioner-Designee Lori Grifa, but it does not prevent municipalities from submitting documentation to the agency.

Below we address some of the questions that have arisen as a result of the Executive Order. Specific questions related to individual components of your plan or the allocation of dollars are best directed to your attorneys and planners.

- A number of Highlands municipalities are/were operating under a deadline of June 8, 2010 to file a housing plan with COAH. Even with the uncertainty surrounding the agency, it may still be in your best interests to continue that process. The June 8 deadline is after the 90-

day window of the Executive Order, so we cannot be certain what the landscape will be at the end of this window.

- A number of these Highlands communities have also asked if the June 8 deadline could or should be reconsidered in light of recent developments. We are considering making such a request to the Administration.
- Any municipality that was preparing to submit a petition for substantive certification to either COAH, through the Courts or preparing any additional documentation as part of your submitted petition may do so.
- It is our opinion that the Executive Order freezes any mediation efforts on submitted petitions.
- A-4048/S-2299, “the Economic Stimulus Act of 2009.” signed last summer, included a suspension of the 2.5% non-residential development fee. Municipalities are under a March 30 deadline to request reimbursement for any funding returned to developers. If the State is unable to reimburse the municipality then your housing obligation is to be reduced accordingly. This is not impacted by the Executive Order, so we urge you to **file your reimbursement documentation with COAH by March 30.**

For more on the 2.5% fee moratorium, please see our Dear Mayor letter of August 19, 2009 as well as the FAQ on the COAH website at: <http://www.nj.gov/dca/affiliates/coah/regulations/nrdf/moratoriumfaq.pdf>

Residential development fees should be continued to be collected.

Senator Lesniak’s S-1, which reforms the Fair Housing Act and abolishes COAH, will likely be considered for approval by the Senate Economic Growth Committee in early March. For more on S-1, please see our Dear Mayor letters of February 1, and January 22.

We will continue to keep you apprised of the situation. Questions on this letter can be directed to Mike Cerra at [mcerra@njslom.com](mailto:mcerra@njslom.com) or at (609) 695-3481 x120.

Very truly yours,

William G. Dressel, Jr.  
Executive Director