



Office of Kean, Ribble, and Angelini

1955 Route 34, Building 2A

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Frequently Asked Questions Regarding COAH:

1. Will the affordable housing units be constructed on buildable land? (Wetland, Parks, etc.)
 - This depends. The vacant land analysis conducted by COAH was flawed. There could be instances where COAH mistakenly identified wetlands as buildable property. Every municipality's officials must review the vacant land analysis for these types of mistakes.
2. Do we need an amendment to the NJ constitution to prevent this from happening in our area?
 - Probably, but no such amendment will pass during the current legislative session.
3. If the township changes its master plan to reduce residential and non-residential build out, will that reduce the number of affordable units? Can our master plan/zoning requirements be addressed in anyway to circumvent our obligation to build affordable housing?
 - If a municipality changes its master plan, that municipality could be in violation of the first Mt. Laurel Supreme Court decision which forbade exclusionary zoning. However, if a town does not experience ANY residential or commercial/industrial growth due to the slowdown in the economy, there will be no affordable housing obligation. However, it is unlikely that a town will have no growth over the next 10 years.
4. How can we prevent other mandates before they become a law?
 - Be more vigilant about the types of bills that come before the Legislature and regulations adopted by the various State departments and agencies.
5. What is an affordable unit? How many appeals are left? Will this go to Federal court?
 - COAH has established income levels for six regions of the State that identify moderate and low income families depending on annual salary and the size of the family. An affordable unit would be one that a moderate or low income family can afford to buy or, most likely, rent. As for appeals, numerous bills have been introduced in the Legislature to address the problems created by A-500 and COAH's third round rules. Also, at least one municipality has filed with the Council on Local Mandates. The NJ League of Municipalities is spearheading a lawsuit in State court. Other municipalities have also filed suit. At this point in



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time, it is unlikely that the federal court system would hear a case on this issue until all avenues on the State level have been exhausted.

6. Are these units to be single family homes with owners paying property taxes or apartment units with subsidized rents?
 - Normally, affordable housing consists of attached housing, such as condos or townhouses, or apartment complexes. However, a portion of affordable housing could be single family homes. It is unknown what that portion is. At any rate, for the affordable housing units that are attached housing or single family homes, property taxes would be assessed.
7. After the latest mortgage crisis, who will be willing to finance these loans?
 - This is an excellent question. However, at this point, due to the instability on Wall Street and the real estate market, that question cannot be answered.
8. Who would pay for additional schools required?
 - If your municipality is not an Abbott district, the local property taxpayers will be responsible for the costs of any additional schools.
9. What is the result if we do not comply with this mandate?
 - A municipality will be vulnerable to "builder's remedy" lawsuits, in which a builder will be able to build market rate housing at an increased density while including affordable housing units in the development.
10. Would the purchase of any open space by the town negate our obligation to build affordable housing?
 - The purchase of open space in the municipality will reduce the amount of buildable property, thereby reducing the potential for development (residential or commercial) on that property. However, it is unclear at this time where a reduction in a municipality's buildable land (through the purchase of property as open space) will actually reduce a municipality's overall affordable housing obligation. Potentially, after open space has been purchased, the municipality could still have the same affordable housing obligation but at a higher density of housing on the vacant buildable property left in the municipality.
11. What is the main reason RCAs were made illegal?



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- Speaker Roberts, a Democrat from Camden County, believes that every municipality has the obligation to provide affordable housing within its borders.

12. Is it through a government contract that a builder is chosen?

- If a municipality chooses to build the required affordable housing as a municipal responsibility then government contracts would be involved, but mostly, private developers build housing in this state. Some affordable housing units are constructed by nonprofits.