

1 **SECTION IV - HOUSING PLAN & FAIR SHARE ELEMENT**
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4 On December 20, 2004 the State’s Council on Affordable Housing (COAH) issued its third
5 round substantive and procedural rules regarding provision of affordable housing by
6 municipalities. Commencing in 2005, and continuing into January of 2007, the Planning Board
7 engaged in extensive examination of the Township’s obligations and opportunities to provide
8 affordable housing under the third round rules with the objective of fully satisfying those rules as
9 well as continuing to meet requirements of the preceding first and second rounds. The Board
10 had the assistance of legal counsel and professional planners, and the benefit of mutually good
11 faith discussions with potential developers, in this lengthy and complex effort.
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13 On January 25, 2007, the Appellate Division of the Superior Court handed down a lengthy
14 decision that invalidated key provisions of the third round rules and stayed the process of COAH
15 review and certification of municipal compliance plans. The court required COAH to issue new
16 rules within six months. That decision is now on appeal to the State Supreme Court. The result
17 is that the Township does not know what its third round obligations will be and cannot complete
18 a plan that will be certifiable until those new rules go into effect.
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20 Therefore, the Township’s Housing Element and Fair Share Plan adopted on February 4, 1997,
21 as amended through July 5, 2005 remains in full force and effect.
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