

PROPOSED FOURTH ROUND AFFORDABLE HOUSING PROCESS: THE PROGRAM

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1. Abolishes COAH and creates the Affordable Housing Dispute Resolution Program (“Program”).
2. Program will consist of up to seven members appointed by the Administrative Director of the Courts.
3. Department of Community Affairs (“DCA”) would calculate regional affordable housing need based on Judge Jacobson’s methodology outlined in her March 8, 2018 decision.
4. The deadline for the DCA to complete and publish a report which calculates regional need and municipal obligations is due on the earlier date of 7 months following the Bill’s codification or **December 1, 2024**.
5. **January 31, 2025** - Deadline for a municipality to adopt their affordable housing obligation by binding resolution and submit same to the Program.
6. Resolution must be filed with the Program within 48 hours following adoption. The Resolution, along with the date of filing with the Program shall be published on the Program’s publicly accessible internet website and the municipal internet website, if any. **NOTE:** If a municipality does not meet this deadline, it shall lose immunity from Builder’s Remedy lawsuits.
7. **February 28, 2025** - Deadline to challenge the municipality’s affordable housing numbers.
8. The Program shall establish procedures to summarily dismiss any objection or challenge that does not meet a minimum standard.
9. **March 1, 2025** - The municipality’s obligation will be adopted if no challenges are brought by the February 28 deadline.
10. **March 31, 2025** - If there are any challenges that are brought in a timely manner prior to the expiration of the February 28, 2025 deadline, the Program must settle said challenges by this date.
11. **June 30, 2025** - Municipal deadline to adopt a HEFSP and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its present and prospective obligation. Each plan must also be filed with the Program. If a municipality complies with this deadline, they will be able to maintain immunity. Again, notice must appear within 48 hours of adoption on the Program’s internet website.
12. **August 31, 2025** - Deadline to challenge a HEFSP.
13. If the HEFSP is not challenged, the Program should apply an objective standard to conduct a limited review of the HEFSP for consistency and to determine whether it enables the municipality to satisfy the fair share obligation, applies complaint mechanisms, meets the threshold requirements for rental and family units, does not exceed limits on other unit or category types, and is compliant with the Fair Housing Act and the Mount Laurel doctrine. If so, the Program shall issue a compliance certificate.
14. **December 31, 2025** - Deadline to settle a challenge. If no settlement is reached, the municipality must provide an explanation.
15. Any unresolved dispute would then go to the county Mount Laurel judges.
16. **March 15, 2026** - Deadline to amend a HEFSP. At this stage a municipality will also be required to adopt ordinances implementing any amended numbers. Failure to meet this deadline shall result in the municipality losing immunity from Builder’s Remedy litigation.



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