

April 9, 2015

**Re: In Re Failure of the Council of Affordable Housing Trust Fund Commitment Regulations**

Dear Mayor:

In a decision released earlier today an Appellate Division panel has enjoined, “...*COAH or any other part of the executive branch from engaging in any further attempt to seize affordable housing trust funds. The use and disposition of those funds will hereafter be decided, in the first instance, by Mount Laurel-designated trial judges.*”

The decision is online at: <https://nj-njslom.civicplus.com/DocumentCenter/View/6038>

If you recall, the League and the Fair Share Housing Center (FSHC) initiated this case back in July 2012 in response to the efforts taken on behalf of the Council on Affordable Housing (COAH) to seize up to \$166 million in municipal affordable housing trust funds. The League and FSHC argued that the State failed to comply with the requirements of PL 2008, c. 46 by not adopting regulations defining “committed for expenditure.”

The Administration has the option to appeal. We will advise you of any developments.

We urge you to discuss this issue with your municipal attorney who can best advise you on the impact on your municipality. If your municipal attorney would like to discuss the analysis of the issue, please contact either Mike Cerra at 609-695-3481 x120 or [mcerra@njslom.org](mailto:mcerra@njslom.org) or Ed Purcell, Esq. at 609-695-3481 x137 or [edpurcell@njslom.org](mailto:edpurcell@njslom.org).

Very truly yours,

Brian C. Wahler, President, League of Municipalities  
Mayor, Piscataway Township

Colleen Mahr,  
Co-Chair, Mayors Housing Committee Mayor,  
Fanwood Borough

Janice S. Mironov, Past President  
Co-Chair, Mayors Housing Committee  
Mayor, East Windsor Township