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# BISGAIER HOFF

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**Attorneys At Law** A Limited Liability Company

## **Bisgaier Hoff Upcoming Events**

Representatives of Bisgaier Hoff will be available to answer your questions at this year's 63rd Annual Atlantic Builders Convention being held at the Atlantic City Convention Center from March 28-30, 2012. Stop by Booth 832 and see us.

**Quick Links**  
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## **COAH Back in Business?**

On June 29, 2012, Governor Chris Christie abolished the New Jersey Council on Affordable Housing ("COAH") pursuant to the Executive Reorganization Act of 1969. On March 8, 2012, the Appellate Division, after a challenge by Fair Share Housing Center, reversed the Governor's reorganization efforts and invalidated the abolition of COAH, a "representative and independent entity" that the New Jersey Legislature took "extraordinary steps to insulate [from] the control of a single political party." In roundly rejecting the actions of the Governor, the Appellate Division concluded that the power to abolish COAH rests exclusively with the New Jersey Legislature. The full text of the Appellate Division decision can be found here: [March 8, 2012 Appellate Division Decision](#)

The March 8, 2012 decision of the Appellate Division marks yet another setback in the Christie administration's ongoing effort to eliminate or "gut" COAH. On February 9, 2010, the Governor issued Executive Order No. 12, which attempted to restrain COAH from taking any action during a specific time period. On March 20, 2012, after the Appellate Division stayed the implementation of Executive Order No. 12, the Governor withdrew the Order. Thereafter, the Governor's Office and New Jersey Legislature tried, and failed, to reach accord on controversial Senate Bill No. 1, which would have substantially revamped the affordable housing laws and policies of the State.

Despite the March 8, 2012 decision of the Appellate Division, affordable housing in the State of New Jersey remains very much in flux as the Supreme Court is currently considering the legitimacy of COAH's regulations and, with them, the manner in which affordable housing obligations are calculated across the State. Such regulations have been the subject of a number of appeals and revisions since 2004. While the March 8, 2012 decision of the Appellate Division makes clear that the Governor acted outside the scope of his authority in abolishing COAH, the decision does little to clarify the very unsettled affordable housing landscape in the State of New Jersey.

# News from Bisgaier Hoff, LLC

For more information, contact Bisgaier Hoff at 856-795-0150.