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cc: Adm.
Catherine

Lashway, Lisa

From: COAHAdmin [COAHAdmin@dca.state.nj.us]
Sent: Wednesday, December 10, 2008 3:01 PM
To: COAHAdmin
Subject: COAH News

COAH's PROPOSED RULE AMENDMENT

COAH proposed an amendment to its third round substantive rules which was published in the NJ Register on November 3, 2008 and is open for a public comment period until January 2, 2009. Full text of the proposed amendment is available on COAH's website under "Announcements" (<http://www.nj.gov/dca/affiliates/coah/announcements/proposals.html>)

The rule proposed to amend N.J.A.C. 5:97-2.5 to allow certificates of occupancy issued for certain owner-occupied residential structures to be subtracted from growth for the purpose of determining the growth share obligation. This subtraction is limited to residential structures that have been occupied by the current owner for at least one year prior to the demolition, where no change in use has occurred. Redevelopment, rental properties, previously vacant properties and properties with a change of use or intensity of use, among other categories, would continue to generate a growth share obligation under the proposal. The Council will work cooperatively with the New Jersey Department of Community Affairs to track exemptions generated under the proposal to monitor the impact of these exemptions on the growth share methodology.

The amendment also requires municipalities choosing to subtract these units from actual growth to impose a development fee based on the increase in equalized assessed value that results from re-construction. Reconstruction that results from fire or natural disaster would be exempt from the imposition of development fees.

Submit comments by January 2, 2009 to:
Lucy Vandenberg, Executive Director
NJ Council on Affordable Housing
PO Box 813
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COAHmail@dca.state.nj.us (preferred)

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