

# **Bond Case Briefs**

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## **TAX - NEW JERSEY**

### **In re Council on Affordable Housing**

**Superior Court of New Jersey, Appellate Division - April 9, 2015 - A.3d - 2015 WL 1582908**

Non-profit housing organization sought judicial review of Council on Affordable Housing's (COAH) failure to promulgate regulations defining when affordable housing trust funds were committed.

The Superior Court, Appellate Division, held that COAH's failure to adopt legislatively-mandated regulations warranted enjoinder of COAH's seizure of trust funds.

Council on Affordable Housing's (COAH) failure to promulgate regulations defining when affordable housing trust funds were committed, as required by legislative amendments to Fair Housing Act (FHA) and judicial order, warranted judicial order enjoining COAH and executive branch from seizing any trust funds and requiring the future disposition of trust funds to be directed by courts on case-by-case basis. COAH had taken no action in furtherance of adoption of required regulations in the four years since legislative mandate.