

N.J.A.C. 5:93. However, municipal minimum subsidy amounts for accessory apartments, buy-down units, and regional contribution agreements shall be governed by the provisions of this chapter if:

- i. The municipality has not petitioned the Council for second round (1993-1999) substantive certification or interim substantive certification; or
 - ii. The municipality is including one of these housing activities for the first time to address a 1987-1999 affordable housing obligation.
3. The growth share obligation from 1999 through 2014 shall be governed by the provisions of this chapter.

Amended by R.2008 d.145, effective June 2, 2008.
 See: 40 N.J.R. 237(a), 40 N.J.R. 2690(a).
 Rewrote (b) and (c).

Case Notes

In a multifaceted challenge to the validity of the substantive rules of the New Jersey Council on Affordable Housing (COAH) for the third round, the court upheld COAH's methodology for calculating a municipality's rehabilitation share, pursuant to N.J.A.C. 5:94-2.1(b). In re Adoption of N.J.A.C. 5:94 & 5:95 By New Jersey Council on Affordable Housing, 390 N.J. Super. 1, 914 A.2d 348, 2007 N.J. Super. LEXIS 20 (App.Div. 2007).

5:94-1.3 Severability clause

If any part of this chapter shall be held invalid, the holding shall not affect the validity of remaining parts of this chapter. If a part of this chapter is held invalid in one or more of its applications, the rules shall remain in effect in all valid applications that are severable from the invalid application.

5:94-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise: