

CHAPTER 5

**DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE
HOUSING**

Authority

N.J.S.A. 52:14F-5(e), (f) and (g).

Source and Effective Date

R.1996 d.413, effective August 7, 1996.
See: 28 N.J.R. 3205(a), 28 N.J.R. 4095(a).

Executive Order No. 66(1978) Expiration Date

Chapter 5, Department of Community Affairs Council on Affordable Housing, expires on August 7, 2001.

Chapter Historical Note

Chapter 5, Department of Community Affairs Council on Affordable Housing, was filed as R.1986 d.421, effective October 20, 1986. See: 18 N.J.R. 1506(a), 18 N.J.R. 2122(a). Pursuant to Executive Order No. 66(1978), Chapter 5 was readopted by R.1991 d.499, effective September 13, 1991. See: 23 N.J.R. 2082(a), 23 N.J.R. 2998(a). As part of R.1991 d.499, Subchapter 20, Issue Referral from Council's Mediation Process, was repealed effective October 7, 1991. Pursuant to Executive Order No. 66(1978), Chapter 5 was readopted by R.1996 d.413, effective August 7, 1996. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. APPLICABILITY

1:5-1.1 Applicability

(a) The rules in this chapter shall apply to hearings arising under N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:91-8.1 concerning an objection to a municipality's petition for substantive certification.

(b) Any aspect of the hearing not covered by these special hearing rules shall be governed by the Uniform Administrative Procedure Rules (U.A.P.R.) contained in N.J.A.C. 1:1. To the extent that these rules are inconsistent with the U.A.P.R. these rules shall apply.

Correction: subchapters 2 through 5 corrected to subchapters 10, 12, 13 and 18.

See: 19 N.J.R. 1917(a).

Amended by R.1991 d.499, effective October 7, 1991.

See: 23 N.J.R. 2082(a), 23 N.J.R. 2998(a).

Deleted (b) regarding mediation and recodified existing (c) as (b).

SUBCHAPTERS 2 THROUGH 9. (RESERVED)

SUBCHAPTER 10. DISCOVERY

1:5-10.1 Discovery

(a) At least 10 days before the scheduled hearing date, each party shall disclose to each other party the following:

1. Copies of any documents intended to be introduced at the hearing;
2. The names and addresses of all witnesses intended to be called at the hearing, including the qualifications of any expert witnesses; and
3. A summary of the testimony of each witness.

(b) Upon application of a party, the judge shall exclude any evidence at hearing that has not been disclosed to that party at least five days before the hearing, unless the judge determines that the evidence could not reasonably have been disclosed within that time.

(c) No other discovery need be provided.

SUBCHAPTER 11. (RESERVED)

(b) The schedule shall provide for the completion of the hearing and the issuance of the initial decision no later than 90 days after transmittal of the matter to the Office of Administrative Law, unless the time is extended by the Director for good cause shown.

SUBCHAPTER 12. MOTIONS

1:5-12.1 Motions

Other than motions resolved in the prehearing order and motions for emergency relief or for summary decision, a party may not file a motion in advance of the scheduled hearing date.

1:5-13.3 Admissibility of expert witness reports

(a) During the prehearing conference, the judge may consider requests to admit into evidence an expert witness report in lieu of direct examination, subject to cross-examination of the expert at the hearing.

(b) If an expert witness report is to be admitted pursuant to (a) above, such report shall be filed with the judge and served on each party by the offering party no later than five days before the scheduled hearing date.

SUBCHAPTER 13. PREHEARING CONFERENCE;
EXPEDITED SCHEDULING;
ADMISSIBILITY OF EXPERT WITNESS
REPORTS

SUBCHAPTERS 14 THROUGH 17. (RESERVED)

1:5-13.1 Prehearing conference

(a) A prehearing conference shall be scheduled within 15 days of receipt of the case in the Office of Administrative Law.

SUBCHAPTER 18. INITIAL DECISION;
TRANSCRIPTS

1:5-18.1 Transcripts

(b) When the case is filed, the Clerk shall contact the parties to arrange a date, time and place for a prehearing conference.

(a) At the conclusion of the hearing, a transcript of the proceedings shall be prepared. The written transcript must be completed in time to be submitted to the Council on Affordable Housing simultaneously with the initial decision.

1:5-13.2 Expedited scheduling

(a) At the prehearing conference, the judge shall set a schedule for the hearing, specifying the time which will be allowed for briefs, proposed findings of fact, conclusions of law, forms of order or other dispositions, or other supplemental material.

(b) Cost of the transcript shall be apportioned pursuant to N.J.A.C. 5:91-8.1.

SUBCHAPTERS 19 THROUGH 21. (RESERVED)