



Mahwah Twp. Wins Court Ruling That Preserves Affordable Senior Housing

Press Releases

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The Township of Mahwah has won a court ruling requiring the owner of the Norfolk Village apartment complex to maintain 75 units as affordable senior citizen housing.

The owner of the complex off Stafford Road, K. Hovnanian at Mahwah VI, is “enjoined from...doing any act to rent and/or sell any Norfolk Village housing units to persons who are not senior citizens...qualified by Mahwah for affordable housing,” Superior Court Judge Brian R. Martinotti wrote in an order.

The court order also requires Hovnanian to “cause the vacation of any units” whose tenants don’t meet the age and income restrictions.

Andrew T. Fede of Archer P.C. in Hackensack argued the matter for the Township and will continue to represent Mahwah for an appeal initiated by Hovnanian.

The age restriction remains in effect unless and until a 1993 Mahwah Township Planning Board resolution is amended. The income restriction applies for 25 years after the date of the issuance of the certificate of occupancy of each unit – until at least early 2020, depending on the unit.

Hovnanian had argued that the age restriction was “a deliberate choice” by the company rather than a requirement. The company also argued that the income restriction ended in 2010 with the expiration of a 15-year deed restriction imposed by the New Jersey Housing and Mortgage Finance Agency as part of a tax credit the agency awarded to Hovnanian to facilitate construction.

The court found both arguments without merit, noting that the age and income restrictions are binding as set forth in a series of official documents, including prior court rulings, a settlement agreement and planning board resolutions.

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