

Affordable Housing

The firm provides strategic counsel to clients navigating the unique challenges and opportunities presented by New Jersey's affordable housing obligations, which represent a critical and complex aspect of the state's land use policy. Our attorneys have deep experience with the regulatory framework that guides affordable housing projects, primarily the Mount Laurel Doctrine and the Fair Housing Act. We provide support related to project development and land use approvals, including site feasibility and due diligence analysis to determine a property's suitability for an affordable housing project. We negotiate zoning structures that permit increased density for projects incorporating both market-rate and affordable units. We represent clients before municipal planning boards and zoning boards of adjustment to secure site plan approvals, variances, and other necessary entitlements for affordable housing developments.

The financing and structuring of affordable housing projects require specialized legal expertise, and the Greenbaum team advises clients on the intricacies of funding sources, tax credits, and financial incentives available to make such projects viable. This includes providing guidance on options for Low-Income Housing Tax Credits (LIHTC) and related tax-exempt bond financing, counseling on and securing state and federal funding through agencies such as the New Jersey Housing and Mortgage Finance Agency (NJHMFA), the New Jersey Economic Development Authority (NJEDA), and the Department of Community Affairs (DCA), and drafting and negotiating agreements with public entities to secure project financing, including Payments in Lieu of Taxes (PILOTs) and related financial agreements.

New Jersey's constitutional mandate for affordable housing is enforced primarily through the judicial system. We aggressively represent property owners and developers in "builder's remedy" lawsuits to obtain court-ordered rezonings and development approvals in municipalities that have failed to satisfy their affordable housing obligations and have represented property owners and developers in challenging or defending a municipality's 3rd round and 4th round Housing Element and Fair Share Plans.

Practice Team



Sean R. McGowan

Partner
973.577.1852
smcgowan@greenbaumlaw.com



Steven G. Mlenak

Partner
732.476.2526
smlenak@greenbaumlaw.com



Fay L. Szakal

Partner
732.476.3204
fszakal@greenbaumlaw.com



Steven Firkser

Counsel
732.476.2388
sfirkser@greenbaumlaw.com



Justine A. DelVecchio

Associate
973.577.1830
jdelvecchio@greenbaumlaw.com



Thomas A. McGowan

Associate
973.577.1910
tmcgowan@greenbaumlaw.com

Insights & More

Client Alerts

New Jersey Housing and Mortgage Finance Agency Launches \$500M Tax Credit Auction

10.15.25

New Jersey Releases Fourth Round Affordable Housing Calculations; Identifies Present and Future Need for 150,000 New Units Throughout State

10.20.24

New Jersey Enacts Landmark Legislation to Overhaul Affordable Housing Laws

3.25.24

Seminars & Events

Affordable Housing

3.26.26

Attaining the American Dream: Solutions to the Affordable Housing Crisis

3.27.25