

**Affordable Housing Board Meeting**  
**Thursday, June 26, 2014**

The following are the minutes of the Affordable Housing Board meeting, which was held on Thursday, June 26, 2014 in the Community Development Conference Room, located in the Lawrence Township Municipal Building.

**Statement of Proper Notice**

Adequate notice of the regular meeting of the Lawrence Township Affordable Housing Board has been provided by filing an annual meeting schedule with the Municipal Clerk, and by filing the agenda with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger.

**Opening of Meeting/Roll Call:**

**Present:** Peter Ferrone, John Masso, Susan McCloskey, Kevin VanHise, Jean Washington, Walker Ristau, Murali Mallampati

**Absent:** James Kownacki, Council Liaison

**Excused Absence:** J. Andrew Link, Principal Planner

**Also Present:** Susan Snook, Secretary

**Approval of Minutes:**

The May 22, 2014 minutes were approved as submitted by unanimous vote.

**Public Comment:**

None

**Status of Changes at State Level**

Chairperson VanHise stated that back in April was that nothing has happened and then COAH actually released the proposed rules; which caused a big frenzy among everybody trying to figure out what those rules mean. The Supreme Court had said that so much time has passed; therefore, they could not play around with this other types of methodology so they ordered COAH to go back and adopt rules pursuant to the Round 1 and 2 methodologies and when the rules came out they did not look anything like that.

They did change a lot of the calculations. They reduced a lot of municipal compliance mechanisms. Once you figure out your obligation actually is you have fewer and fewer opportunities to comply with that obligation. COAH published the rules in the June 2<sup>nd</sup> registry and they were a little bit different but somewhat the same and this has caused a lot of professionals to figure out what that means including us on figuring out what the obligation will be.

Fair Share Housing went back to the Supreme Court on a motion to enforce litigates rights seeking a Stay of these rules and a special master be appointed or the entire COAH process be thrown out and the Court should take over the entire Affordable Housing obligation because COAH has demonstrated that they can't comply with the rules because the Supreme Court order use the Rounds 1 and 2 methodology and calculate new obligations and these are not that.

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This point nobody knows what they are going to do. Chairperson VanHise read the Fair Share Brief and it is very well written and legally makes a lot of great points and it will force the Supreme Court to confront the issue. One of the things COAH was talking about when Fair Share was going to file it, whether or not, because COAH has a comment period before they are actually adopted and could have time to make the changes. Fair Share stated any comments would be rendered toward rules that violate the Supreme Court's expressed order and therefore, it is pointless to offer comments that violate the order.

Fair Share thinks the numbers are not high enough. It goes from a 20% of new construction units being designated as affordable down to 10 which means you need double the amount of market rate units to provide the same number of affordable housing units. For Townships that are land strapped facing school budgets and maxed out on school children, those densities are very troubling.

A buy back mechanism was actually taken out of the proposed rules; so all the efforts to go extend expiring controls are not a compliance mechanism under the proposed rules before they are adopted. Housing for disabled and special needs housing is also being moved away from.

Under the old rules and the old court decision, if a developer came in with a 100 unit subdivision, a municipality could require a 20% set aside; so 20 units would be affordable and 80 would be market rate. Under the new proposed rules, for those same number of market rate units; they would only be producing 10 affordable housing units. But a municipality still has a hard number and under these rules you actually have two major components they are looking at from 2015 to 2025 and there is a formula on how you get what that obligation is. COAH looks at what your obligation through up to 2015, and that is from Rounds 1, 2 and 3 rules, then as you produce the units you actually start producing units towards your future obligation before you recapture your past obligation. If you have a hard number that you have to reach and then to get that you have to provide density to get the developer up to double the number of market rate units to produce the same number of affordable housing units.

The other problem is there is an obligation on the municipalities to actually prove the financial feasibility of the developments that you are zoning for and that is a problem for the municipalities because they are not developers. No news from the Legislature that they would act.

### **Cancellation of August Meeting**

Chairperson VanHise presented to the Board to cancel the August 2014 meeting and was approved by unanimous vote.

### **Other Business:**

Chairperson VanHise stated he spoke with Mr. Link regarding 53 Joyner Court and 12 Mendrey Court that the Township is still working on some enforcement actions regarding improper rental.

The meeting was adjourned at 6:43 p.m. The next meeting will be held on July 24, 2014 at 6:30 p.m.

  
Susan Snook  
Secretary

SJS

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