

**Affordable Housing Board Meeting  
Thursday, March 26, 2015**

The following are the minutes of the Affordable Housing Board meeting, which was held on Thursday, March 26, 2015 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, Susan McCloskey, Kevin VanHise, Jean Washington, Murali Mallapati, Jessica Ann Clifford

**Absent:** James Kownacki, Council Liaison

**Excused Absence:** John Masso, Susan Snook, Secretary

**Also Present:** J. Andrew Link, Principal Planner

**Approval of Minutes:**

The February 26, 2015 minutes were approved as submitted by unanimous vote.

**Public Comment:**

None

**Housing Rehabilitation Program Update:**

Mr. Link stated there are three (3) active rehabs that Council adopted resolutions to award contracts. A total of 15 have been done in the past 2 years and this, along with the three new rehabs, will be it until the Township has a better understanding of what our COAH obligations may be. The rehab program is on hold.

**Township Actions (53 Joyner Court and 12 Mendrey Court):**

**53 Joyner Court:** Mr. Link stated it is a for sale unit that the Township purchased in a foreclosure situation and it is under contract for \$110,000.00 which is a 2-bedroom moderate.

**12 Mendrey Court:** Mr. Link stated this unit was being illegally rented and the owner was going to sell it when we approached her and it has been awhile since we communicated with her; but spoke with her daughter and she stated her mom was going to move back in; but it still has been vacant for several months now. Mr. Link makes periodic stops to see if they moved in; however, it is still vacant.

Mr. Link stated there is another unit we purchased in Liberty Green, 217 Fountayne Lane, and was purchased at a sheriff's sale. When we get the deed from the sheriff's office it will be processed for rehab and will be put up for sale to a qualified household. The sheriff's sale was February 25, 2015.

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**Status of Changes at State Level:**

Chairperson VanHise stated that on March 10, 2015 the Supreme Court dropped a bomb on everybody and they called COAH a non-functioning agency and invited them to participate, but you can't have a process without a process. So the entire affordable housing process has been stopped by COAH's inactions.

The Court has opened up all of the trial courts and created three classes which basically states they are not COAH and not taking over COAH's functions, we are an alternative process for those Towns who were in COAH. Basically nobody can do anything for 90-days because there is going to be a transition period; then there is a 30-day period should a Town elect to seek the protection of the court akin to what COAH was providing. Towns will have the ability to file for a judgement action.

There are three (3) classes of Towns (Lawrence is in the best class). The Court stated they know they have to be reviewing these plans; people will challenge these plans because the numbers may change and the plans may change. Most other Towns are in the second category where the Court calls it participating towns, there are two types, file plans, do ordinances but COAH never got around to actually granting sub-cert or kicking you out. The new Towns filed the judgement action and get a lot of assistance, but not a free pass. You need to show everything that was done and demonstrate how you are going to meet your obligation. If additional time is needed, you will get an additional five month period.

The other Towns sent a resolution to COAH that basically stated we will take part in your process but actually never did anything and did not have to do anything else because of the Court issues. Those Towns will be getting the least amount of protection because they will have a bigger burden to demonstrate that they have been doing things. If a Town is going to file, it needs to file. The other thing is to wait to get sued on a builders remedy, so if you have an airtight plan and are built out there is no sense spending the fees.

Once you file your action you have to notice everybody on the service list and builders, advocate groups can challenge your plan but the Court will not entertain any builders remedy actions. The builder can come in and say your plan is deficient but they do not get part two and part two of that is he has a piece of land I can satisfy that obligation. The court will not entertain that second set until after there is a declaration of municipality cannot meet its constitutional obligation.

The reality and difficulty is that no one knows what the obligation is because the Supreme did not specify a methodology in which Towns can ascertain what their obligation is. When a Town comes in on these actions, you need to show what the regional need is and how you are meeting your fair share of that regional need. The local obligation is dependent upon what the regional need is and the regional need is dependent upon on how many units are needed State wide and how that gets portioned out in the housing regions. This caused the tail spin because under the draft rules that were never adopted, the State wide need was about 80,000 units.

At that 80,000 need, COAH's rules had built in there that is a 25 year need and is going to have a 10 year build out period, so you can defer some of the obligation going forward. Fair Share Housing Center which has been the leading advocate group going in front of the Court, Mr. Kinsey's number is 200,728 for the State wide need which indicated the need is and that number is crippling to municipalities, the economy, if you have 10 years to build out 100,000 units and State wide built 50,000 in the last 30 years.

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Towns are in the position where they will have to go in with an expert and say we have calculated that the statewide need is and the regional need is therefore our share will be this and here is our plan to meet that need. However, it might be challenged that any need less than 200,000 is wrong and the judges will have 300 law suits and all the challenges.

The courts are trying to figure out a solution. The Courts Special Masters, which are the experts of the field, like Clarke Caton & Hintz met with Fair Share Housing Group, the municipal Attorneys and the builder's attorneys to see if they can figure out a way thru this mess. But the reality is the Supreme Court has not been able to figure it out, COAH was unable to figure it out in the last ten years, DCA was unable to figure it out for the last ten years, and not sure what they will be able to figure out. The Towns will be spending a lot of money. In 2008 when Lawrence went into COAH, the growth share obligation was 537 units and needed a plan to do 500 units, we had credits, we had all our activities and under COAH's rules that were never adopted that number increased to 645 and under Mr. Kinsey's number that is 954.

If Fair Share Housing decides to challenge the Township's plan, the Town should file a DJ action. Fair Share will come in and say you built the plan to 584 and that number should be doubled. There are 310 towns that have COAH units. A number is not required to file a dj action, it is just to get you into court and Chairperson VanHise gave an example using Hopewell Township and explained the procedures of what should be done.

Mr. Link was not aware that the second round rules were invalidated. Chairperson VanHise stated the second version of the third round rules were invalidated and explained how the first round rules were issued by COAH as well as round two by COAH using the same basic set of rules. The third round went to the growth share methodology and units will be owed as the Town grows, but was invalidated by the Court. The Supreme Court told COAH to make new rules and proposed the round three C rules and it was deadlocked.

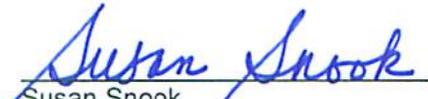
Mr. Link asked what he is doing to recommend to the Towns that he works with or in a similar situation with Lawrence. Chairperson VanHise stated he has no Towns that are in the position of Lawrence and explained what he is going to get from his Towns that he represents.

**Other Business:**

None

The meeting was adjourned at 7:50 p.m.

Digital audio file of this meeting is available upon request.

  
Susan Snook  
Secretary

SJS

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