



A Professional Perspective

A publication of the
Affordable Housing Professionals of New Jersey

Volume 3, Issue 2

Summer, 2010

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SENATE NO. 1: AN OVERHAUL OF NEW JERSEY by Edwin W. Schmierer, Esq.*

The implementation of the Mount Laurel Doctrine in New Jersey is likely to change dramatically during the fall of 2010. This is when the New Jersey Legislature returns to continue their debate over revisions to the New Jersey Fair Housing Act of 1985.

The core of the debate shall continue to revolve around Senate No. 1 for the legislation commonly referred to as "S-1".

On June 3, 2010, the Senate Economic Growth Committee reported favorably on S-1. The Committee found that S-1 represented appropriate reforms to the statutes relating to affordable housing in New Jersey. The intent of this legislation was to establish a simple method of compliance with the constitutional requirements as set forth in the various Mount Laurel decisions.

S-1 repeals the "Statewide Non-Residential Development Fee Act" and prohibits municipalities from imposing development fees on non-residential development. Any affordable housing obligation associated with non-residential development is also eliminated.

This new legislation also does away with the State imposed calculations of affordable housing needs. A municipality is deemed to have fulfilled its affordable housing obligation if 7.5% of the municipality's housing stock is price restricted or 33% of the housing stock is single-family attached housing, multi-family housing or mobile homes in a mobile home park, provided one-half are rental units. A municipality may also be deemed "inclusionary" upon the filing of a housing plan element demonstrating how the municipality plans to implement a set aside of 10% of the units in any residential development resulting in more than 20 units as low- and moderate-income housing. Municipalities with COAH third round certification are also considered inclusionary.

Regional Contribution Agreements are not reinstated so the municipal affordable housing obligation must be addressed within the borders of that municipality.

S-1 also returns the notation of a preference for affordable housing for those who work or reside within a municipality. One-half of the affordable housing units produced as a part of a residential development project and set aside for affordable occupants can be marketed directly to those who work or reside in the municipality. There are also incentives in the legislation for the creation of special needs and adaptive housing. Special needs housing will be counted twice for purposes of determining whether or not a municipality is inclusionary and whether the municipality has met the set aside requirement.

In a municipality deemed inclusionary, the Zoning Board of Adjustment, in reviewing a "d" variance application that involves a development including some affordable housing units, would not have to treat that application as "inherently beneficial".

While non-residential development fees are abolished, on residential developments less than 20 units, municipalities can impose and collect residential development fees. All payments collected would be deposited in a separate trust account to be spent for activities facilitating affordable housing.

Finally, S-1 forgives all unmet housing need from prior COAH rounds or periods in time before the effective date of the Act. There is also a 1 year "safe harbor" from litigation.

The New Jersey Assembly adjourned prior to their consideration of their version of S-1. This revamping of affordable housing in New Jersey should be the focus of the Assembly when they return in the fall and it is anticipated that some version of S-1 will be acted upon and signed by the Governor before the end of 2010.

*Attorney, Mason, Griffin & Pierson, P.C., Member Board of Director AHPNJ

Upcoming Events:

- Visit our booth at the Governor's Housing Conference in Atlantic City: September 28th and 29th.
- AHPNJ Annual Meeting October 27th
- NJ State League of Municipalities Conference in Atlantic City November 16th-19th.



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A President's Perspective by Randy Gottesman, PP

First, I want to thank our Charter President of the last three years, Frank Piazza, for providing extraordinary leadership to our new organization during our formative years. Frank's expertise, poise and dedication helped guide the organization into the healthy entity it has become. I am certain Frank would be the first to say that he had an excellent Board and other supporting people to help facilitate that success. Thankfully, Frank continues on the Board providing important input into AHPNJ, including as Chair of the Policy Committee, member of the Education Committee, and much more.

As we all know, this has been a whirlwind 2010 on many levels, but particularly when it comes to affordable housing issues. Among other things, the Governor signed an Executive Order to stop COAH in its tracks; that order was rescinded; a Governor's Housing Task Force was created and then within about 45 days finished its work, calling for wholesale changes to the State's role in providing affordable housing, including the elimination of COAH and transfer of most duties to municipalities with modest county and state oversight. During this time at least six versions of S-1 have been introduced by Senator Lesniak which among many other things, shares the Governor's theme of eliminating COAH. Many associations including County Planners, the Housing and Community Development Network, NJ Chapter of the American Planning Association, and our own AHPNJ have spoken out or written at length on these important bills and reports.



Past President Frank Piazza Honored for His Service and Commitment to the Start Up and Leadership of AHPNJ

AHPNJ has testified before the Senate committee regarding S1, met at length with former Senator Marcia Karrow and the entire Governor's Housing Task Force to provide valuable input into their process, and we have met with various legislators and their aids and administration policy officials to make our points known. AHPNJ has also held two large, well-attended regional meetings this year with very current and relevant speakers on these important matters. Evaluations from these events revealed that those events met the expectations of attendees.

Our education committee is very busy trying to finalize a certification curriculum, and you were sent a questionnaire concerning this topic. The results have been posted on our website AHPNJ.org.

Continued on Page 3

From the Desk of the Executive Director, Barbara Walsh, PP/AICP

Slowly but surely I am acclimating to my new position as your Executive Director. I was asked to make my top priority enhancing our base of members and sponsors, something I alone cannot accomplish. Fortunately I work with a dedicated Board of Directors and volunteers who are also working hard to enhance our organization. The Board of Directors adopted a new policy for 2010 regarding sponsorships. We now have Platinum sponsorships for \$2,000 and Gold sponsorships for \$1000, each eligible for 5 corporate individual memberships, and Silver sponsorships for \$500, eligible for 2 corporate individual memberships.

My philosophy is "A satisfied customer is our best customer". To that end I hope to continue to improve upon the services provided to you. Our website is refreshed on a regular basis with the help of Tracy Colburn of Lewis Chester Associates, one of our sponsors. We have added a Calendar of Events, Employment links, a Consultant Directory, and COAH links. The COAH links are an easy reference to all the different COAH Administrative features. Since January we have been issuing E-Bulletins on a regular basis, striving to keep you up-to-date with the very fast moving legislative news, training opportunities and affordable housing news. This builds upon the fine efforts of Past President Frank Piazza who previously created and released our E-Bulletins for which Constant Contact, our vendor, awarded us a **Constant Contact Email Marketing All Star for 2009**. Always looking to improve our services, I look forward to receiving your suggestions at AHPNJED@comcast.net.



Meet Our Featured Sponsor: *Lewis-Chester Associates, Inc.*



With this and future issues of our Newsletter, AHPNJ will feature one of our sponsors and the services they may provide to our membership. In this issue we feature, in recognition and appreciation, Lewis-Chester Associates, Inc., who provides pro bono services to AHPNJ maintaining the AHPNJ website.

Lewis-Chester Associates, Inc., is a full-service insurance brokerage and financial services firm located in New Jersey. Founded in 1947 by Chester Frankel our primary goal has always been to protect our clients' assets and financial security by implementing appropriate risk management and insurance techniques. We continuously track current market conditions and seek out the products, markets, and strategies that offer the best combination of insurance protection and cost effectiveness for the many diverse needs of our clientele.



We provide insurance and financial services for a wide spectrum of clients, including manufacturers, publicly financed housing developments, professional associations, real estate developers, contractors, business owners and entrepreneurs, nonprofit organizations, as well as families and individuals.

We are proud to represent some of the most successful companies and individuals in our region -- clients operating throughout the country doing business locally, nationally, and internationally. We have built our reputation on our ability to build and sustain our clients' trust. Throughout the years we have helped our clients grow and have grown along with them. Today we have over five decades of experience and are both capable and financially sound. We are here to stay!

Why not get to know us? Visit our web site at www.lewischester.com to examine our capabilities, and then let us show you what we can do!



A President's Perspective Cont'd

Our Communications Committee is about to launch a public relations campaign explaining to the general public the true face of affordable housing consumers, highlighting various relevant stories and successes. A request for examples from each of you on this subject has been sent out to our members, and I ask that you take some time to assist us in making this communication effort a resounding and long term success.

Finally, many people are asking about whether or not to continue moving forward in providing additional affordable housing units, monitoring of their existing units, planning for affordable housing, etc. The Board's position, based on our assessment of the likely state of affairs into the near future is that yes, it is absolutely essential to stay on top of ensuring that you protect your municipality's affordable housing investments and strive to not lose a single unit, as they are so expensive to replace. Moving forward with planning or actual project implementation is a more difficult question and we suggest that you consult your affordable housing planner and/or attorney for up to the minute advice on those important subjects that will differ on a case by case basis. Also, keep reading our email blasts as we will attempt to keep you informed, and attend our events as we continue covering these important topics until they are fully resolved.



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NEW 2010 AHPNJ SPONSORS

GOLD Sponsors:

- Community Grants, Planning & Housing LLC
- Moderate Income Management Company, Inc.
- Piazza & Associates, Inc.

SILVER Sponsors:

- Mason, Griffin & Pierson, P.C.
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And Special Thanks to our Sponsors who have continued their support of AHPNJ.

- David A. Weinstein, Esq. Archer & Greiner, PC*
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Our grateful appreciation to

AHPNJ General Counsel

David A. Weinstein, Esq.
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For sponsorship or membership information see our website www.AHPNJ.org

AHPNJ is a membership organization that is dedicated to the educational, professional and ethical standards of those serving in New Jersey's affordable housing industry

A publication of the Affordable Housing Professionals of New Jersey

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AHPNJ Association News

Potential Amendments to the Fair Housing Act...

Held at the Southern & Central Workshops


AHPNJ Southern Region Workshop — Held March 5, 2010

On March 5th, the Affordable Housing Professionals of New Jersey hosted its Southern Regional Meeting in Gloucester Township at Camden County Community College to discuss potential amendments to New Jersey's Fair Housing Act. The meeting was lead by a five member panel consisting of Assemblywoman Linda R. Greenstein (D) NJ Legislative District 14, member of the Assembly Housing and & Local Government

Committee and Prime Sponsor of A2071 amending the NJ Fair Housing Act, Shirley Bishop, P.P., a Professional Planner and former Director of COAH, Michael Cerra, Senior Legislative Analyst, for the NJ League of Municipalities, Mathew



Photograph contributed by Frank Banish, PP

Reilly, President/CEO of MEND, a non-profit affordable housing developer, and Joel B. Silver, Esq., VP. of Michaels Development, the largest affordable housing developer in the country. The group provided valuable insight to the audience through a wide spectrum of perspectives relative to various facets of the affordable housing industry, such as non-profit and for-profit development, planning, policy analysis and legislative initiatives. 

AHPNJ Central Region Workshop— Held on May 4, 2010

The Central Region held a workshop on May 4, 2010 entitled "Potential Amendments to the Fair Housing Act." Networking and a light breakfast were from 9:30 am until the panel speakers began the program at approximately 10:00 am with approximately 80 people in attendance.

The workshop discussed "How New Jersey is Addressing Ways to Improve the Current Regulations Regarding Affordable Housing." Panel speakers were Assemblyman Jerry Green, Senator Raymond J. Lesniak, Former State Senator Marcia Karrow, Bridgewater Twp. Mayor Patricia Flannery, Arnold Cohen of the NJ Affordable Housing Network, Laurette Kratina, PP, AICP of Somerset County Planning Board and moderators Randy Gottesman, PP, AHPNJ President and attorney Edward Israelow.

"We know change is needed in New Jersey in regard to affordable housing. This event was an outgrowth of discussions, Governor Christie's Housing Opportunity Task Force Report, Senator Lesniak's S-1 Bill and other proposed legislation" stated AHPNJ President Randy Gottesman.

The workshop was second in a series of opportunities sponsored by AHPNJ for housing professionals to hear from local and state elected officials and other expert presenters on Potential Amendments to the Fair Housing Act.

"We look forward to providing more informational workshops on topics that are relevant to affordable housing and what our members are interested in learning about" stated Sharon Clark the AHPNJ Central Region VP. 



Note: For planners that attended these workshops, they were approved and counted for 2 AICP CM credits each.