



## *Affordable Housing Professionals of New Jersey*

### **Symposium on Expiring Affordability Controls**

Metro Top Plaza, 111 Wood Avenue, South Iselin, NJ

June 18, 2013 - Agenda

#### **8:15am-9:00am: SIGN-IN, NETWORKING AND CONTINENTAL BREAKFAST**

#### **9:00am-12:00pm: MORNING SESSION**

❖ ***9:00am-9:45am: Introduction on the history on restrictions; planning and controls and credits***

*Shirley Bishop, Shirley M. Bishop, P.P., LLC*, will review a history of restrictions with emphasis on affordability controls and credits during the three COAH rounds of regulations.

❖ ***9:45am-10:30am: COAH Update***

*Adam Gordon, Esq., Fair Share Housing Center* will provide an update on the legal status of COAH, Governor Christie's attempt to seize the municipal affordable housing trust funds, and the status of the litigations.

❖ ***10:30am-12:00pm: Rental Controls***

*Edwin Schmierer, Esq., Mason, Griffin and Pierson*, will review the deed restrictions on rental properties and discuss the obligations of the parties with respect to the continuation of controls. Mr. Schmierer will also review the statute addressing mandatory Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.

*Frank Piazza, President, Piazza & Associates, Inc.*, will describe a process that can be utilized by Municipal Housing Liaisons, Administrative Agents and Municipal Attorneys to "unwind" the controls on rental units after the restrictions have expired, pursuant to Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. He will discuss the recertification process, and interaction between the landlord and the tenant prior to the end of the restrictions. Sample documents will be made available to the participants.

## **12:00pm-12:45pm: HOT BUFFET AND LUNCH DISCUSSION**

**Jeffrey Surenian, Esq., Jeffrey R. Surenian and Associates, LLC** will discuss the current issues regarding COAH. Such topics include the Supreme Court decision on the challenge to the second iteration of round three regulations, the major issues confronting the court and the ramifications; builders' attempts to obtain backdoor builder's remedy suits and what a municipality should do to protect itself; and the K. Hovnanian at Cedar Grove IV appeal to dismiss its builder's remedy suit.

## **12:45pm-3:45pm: AFTERNOON SESSION**

### **❖ 12:45pm- 3:00pm: Sales Controls**

**Heather Mahaley, Director of Plan Administration, COAH**, will discuss the interest of the parties involved in a homeownership transaction with regard to extension of controls. From the homeowner to the municipality to the lending institution to the condo association, each entity has a unique and self-interested point of view, and they do not usually follow in line together. This section will inform participants about what is on the minds of each party when controls are extended to better understand how to approach the situation.

**Edwin Schmierer, Esq., Mason, Griffin and Pierson**, will discuss the impact of the various legal documentation which needs to be extended if affordability controls are to continue on a unit. That will include reviewing the required deed restrictions, Affordable Housing Agreement, covenants and Master Deeds and municipal Ordinances. Extension of expiring controls qualifies as a recognized COAH innovative approach to satisfying a fair share obligation pursuant to N.J.A.C. 5:97-6:15. Mr. Schmierer will also review the statute addressing mandatory Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.

**Jay Lynch, Toms River Township**, will present his expertise on affordability controls from a municipal perspective, specifically extending such controls and preserving affordability controls. In coming up with new ways to extend and preserve controls, Mr. Lynch seeks to receive fair treatment from HMFA and COAH in the interpretations of the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1.

**Jean Jacobsohn, Piazza & Associates, Inc.**, will discuss the affordable housing restrictions expiration over the next few years, and the importance for the municipal assessor to know how to properly handle the assessments of properties formerly restricted. There is a ratable base increase to be gained by the municipalities. There are mistakes to be avoided. Purchasers of properties with expired restrictions will see very substantial changes in their property taxes and MUST be so advised.

**Gail Pfister, Municipal Housing Liaison, Robbinsville**, will present a real life example of a program whereby controls are extended on a voluntary basis.

*Sharon Clark, Executive Director of Central Jersey Housing Resource Center*, will familiarize participants with the processes utilized to extend controls for sales units vis-à-vis the adoption of a municipal resolution.

❖ **3:00pm-3:30pm: *Synthesis: What Have We Learned and What's Next As Controls Expire?***

*David N. Kinsey, Kinsey and Hand*, is an urban, regional, and environmental planner who specializes in affordable housing planning, for courts, developers, public interest organizations, nonprofits, and towns throughout New Jersey. Planners and lawyers engaged in advising public, nonprofit, and for profit clients on affordable housing, or serving as public servants responsible for affordable housing planning and administration, should be conversant in current issues in designing and administering affordability controls. As controls established in the first two decades of Mount Laurel implementation expire, this complex planning and legal issue takes on even greater importance, if affordable housing opportunities, created often at great expense and controversy, are to be preserved and expanded. Mr. Kinsey's synthesis will conclude the symposium, distilling the key lessons learned and offering observations on likely future issues and options.

❖ **3:30pm-3:45pm: QUESTIONS AND ANSWERS**