

Princeton Housing Board
Monthly Meeting
April 12th, 2016
Monument Hall - East Meeting Room
One Monument Drive, Princeton, NJ 08540

Present:

Board Members

Carol Golden
Lance Liverman, Princeton Council
Alvin McGowen, Chair
Mary Agnes Procaccino
David Schroyer
Ruth Thurmond Scott
Colin Vonvorys
Kate Warren, Vice-Chair

Absent:

Omar Nishtar

Staff:

Christy Peacock, Coordinator
Ed Schmierer, Attorney
Michael Soto, Board Secretary
Liz Lempert, Mayor

Guests:

Dosier Hammond
Laura Hawkins
Thomas Pyle
Ed Truscelli, PCH
Arnaz Yousafzai, PCH

I. CALL TO ORDER Open Public Meeting Statement

At 5:40 PM, Mr. McGowen called the meeting of the Princeton Housing Board to order by reading: "This is the regularly scheduled meeting of the Princeton Housing Board for Tuesday, April 12th. Adequate notice of this meeting has been provided as required by the Open Public Meetings Act. Notice was provided of the date, time, and location of this regular meeting by posting a notice with the Clerk's office and by mailing copies to the Princeton Packet and Town Topics."

II. PUBLIC COMMENT

Mr. Dosier Hammond, a member of the Witherspoon Jackson Neighborhood Community, announced that the Historic District was just passed at the Council. He thanked the Affordable Housing Board for all its work.

Mr. Thomas Pyle also thanked the Affordable Housing Board for its work. He discussed the experience of his disabled son who was a resident in an Affordable Housing unit. Mr. Pyle also discussed his work with other individuals who are in the lower end of the affordable scale and have disabilities, receiving SSI or SSD.

Laura Hawkins also expressed her gratitude for the Board's work on Affordable Housing. She lives at Griggs Farm and wanted to raise to the attention of the Board the challenge she and her neighbors are

facing regarding the responsibility to replace the balconies at a cost of \$4,525. A different affordable housing unit has an estimated repair cost of \$7,500.

The Griggs Farm residents just received a letter last week regarding the balconies. It is unclear to affordable housing residents regarding what their responsibility is for the balconies. Furthermore, the Affordable Housing units are scheduled to be repaired first among all of the association units.

Residents have been given 2 options to complete and pay for the work,

- a) Residents that wish to use the association contractors must pay 50% (\$2,500) by July 15th with the remainder to be paid on September 1st, or
- b) Residents can find their own contractor but are given a deadline of May 31st. During this month and a half period residents have to find a contractor, and have all permits, plans and associated oversight completed.

This is perceived as an impossible request. Ms. Hawkins is requesting help to delay these dates, and to put the Affordable Housing units last for construction in order to provide time to work with the Affordable Housing Board as an advocate and to explore funding possibilities. A date has not even been set for residents to go ask questions of the Association.

Mr. Schmierer explained the term “limited common area” and said that the residents are responsible for the balconies. If the balcony deteriorates they need to fix it themselves because it is considered part of the unit. He indicated that it seems fair for the Board to intercede with the Association and have them do the Affordable Housing units last. Princeton is also looking into getting a proposal prepared for the 36 units to be prepared, to get a contractor to do all 36 units for a single price. It is also a possibility that the Council might be able to use money from the trust fund to help pay for the repairs.

Ms. Hawkins explained that it is not clear what part of the balcony they are responsible for repairing. Mr. Schmierer said that the parts that go into the building, penetrating the building, would be the Condo responsibility. The resident is responsible for the rest, including the deck. Ms. Hawkins indicated that she had heard that the first floor was not responsible for any part of it, so it was unclear who was responsible for the supporting columns. Mr. Schmierer explained that this is why it makes sense for the Affordable Housing Board to get a single contractor to undertake the entire project, because you can’t fix one floor without the others.

Ms. Hawkins asked if the affordable housing residents could receive assistance for the amount they would be responsible for in the form of a low interest loan or if the amount could be paid back at the time of sale. Mr. Schmierer indicated that there could be a combination of payment options that will be determined when the time comes.

III. MARCH MINUTES

Ms. Procaccino made a motion to approve the minutes as amended. Mr. Liverman seconded the motion. Mr. Vonvorys and Ms. Warren abstained. All else voted in favor.

IV. PRINCETON COMMUNITY HOUSING (PCH) REPORT

The PCH Report is appended at the end of this document.

V. LEGAL

105HA

The municipality now owns this property. A court administrator was appointed, and the property was bought around the 21st of March. It is estimated that there are about \$5,000 worth of repairs.

233BH

The bank has returned the money it had misapplied to discharge the mortgage. The bank reinstated the foreclosure and the municipality will have to go to the Sheriff sale to purchase it.

218 BH

The bank has not yet returned the funds for this unit.

Copperwood Parking Fee

Copperwood is charging an additional parking fee to affordable housing units which is not permissible under COAH guidelines. They have proposed rolling it into the rent, but this may make the rental amounts exceed COAH guidelines for rent. Ms. Peacock and Ms. Yousafzai will look into this, and report to the Board at the next meeting

VI. CHAIR / VICE CHAIR REPORT

Mr. McGowen indicated that today, April 12th, there was a Housing and Community Network Conference at the PCV Club House that was quite interesting. Mr. Truscelli highlighted that the point of the conference was to show that Affordable Housing is not a drain on the economy, but instead has a positive impact on the economy. More information is available at <http://www.hcdnnj.org/strongertogethermerc>.

Ms. Peacock indicated that Princeton Affordable Housing had looked into joining, but is not permitted to do so because it is not a nonprofit organization.

VII. BUSINESS

New Unit Available

A new unit came onto the market. 59 notices were sent out and ten responses to date have been received. After multiple attempts to reach out to the first person, Ms. Peacock is now reaching out to the second person on the list.

PCH Proposal

Upon the Board's request, PCH presented a revised proposal to add a part-time bilingual staff to better serve Spanish speaking applicants.

Ms. Peacock indicated that they are no longer assisting individuals with these matters upstairs and instead are redirecting them downstairs to PCH.

Closed Session

Ms. Procaccino made a motion to go into Closed Session for negotiations at 6:38pm. Mr. McGowen seconded the motion and all voted in favor.

Ms. Procaccino motioned to go out of Closed Session at 6:45pm, and Mr. Schrayner seconded the motion. All voted in favor.

Ms. Thurmond-Scott motioned to accept the PCH administrative agent proposal totaling \$34,576, and Mr. Liverman seconded the motion. All voted in favor.

Process for Revision of Minutes

Ms. Peacock indicated that it has been brought to her attention that there is some dissatisfaction with the minutes. She asked the Board to comment further.

Mr. McGowen indicated that they are ok; there have been times in the past that they have been worse.

Ms. Warren indicated that she prefers them to be more detailed.

Ms. Golden suggested having the minutes shared with significant time in advance for comments to be made before the following meeting for Board Members to comment. Ms. Warren suggested a week before is an appropriate time.

Ms. Warren indicated it is useful to conduct a roll call when large sums of money are being voted upon.

Mr. Soto suggested putting the minutes on a Google Document to allow Board Members to comment and see each other's comments. Board Members would be able to select text and click on Insert --> Comment.

Mr. Liverman indicated that it is important to recall that the minutes are meant to record what is said, and should not be revised afterwards to include things that were not discussed at the meeting.

Griggs Farm Decks Bill for Administration

Mr. Schmierer suggested that we table this matter until the Housing Board determine whether it will use the report that the Griggs Farm Association developed with the contractor that they selected without input from the Affordable Housing Board.

Mr. Truscelli indicated that a primary point of difference is that the Griggs Farm Association only looked at replacement whereas the PCH contractor deemed they could be repaired.

Mr. Schmierer also indicated that another point of difference is whether they are cantilever, or freestanding.

Ms. Procaccino made a motion to table the Griggs Farm Assessment fee, Mr. Vonvorys seconded the motion and all voted in favor.

Mr. Schmierer indicated that hopefully at the next month's meeting the numbers from PCV will be available regarding how much they spent fixing their balconies.

Declaratory Judgment

Mr. Schmierer said that the Mayor had been invited tonight to get an update on the declaratory judgment litigation that is ongoing to determine the forward-looking obligation.

In March of 2015, the NJ State Supreme Court determined COAH moribund. The rounds assigning obligations under the Fair Housing Act expired in 1999 and COAH has not come up with the Third Round Obligation for the subsequent 10 years. The Supreme Court has given up on COAH and determined local judges to decide. Judge Jacobson will be responsible for Mercer County to determine a schedule.

The Fair Share Housing Center had commissioned a study with Professor David Kinsey, and he projected 1,312 units. At the time there was a 1,000-cap rule, which has now been swept away. At the time the Fair Share number was determined to be 1,000 units.

Municipalities were shocked by Professor Kinsey's assessment, considering construction projections particularly coming off the 2008 recession. The obligation across the State would have been more than 200,000 affordable units, which was in excess of market units expected to be built.

284 Municipalities came together and hired their own consultant to identify a more realistic study. Initially, Dr. Burchell at Rutgers was retained to do the project but he had a stroke and was unable to continue. A group at the University of Pennsylvania, E-Consult, was contracted and they developed a report in December 2015 that estimated Princeton's number to 403 units.

Municipalities have begun moving through the Courts, with Middlesex and Ocean County moving quicker than others. And one of the requests made was to remove the 1,000 cap since it was aimed for a ten-year cycle. Currently the determination of need is being made for a 25-year period.

The E-Consult group did not calculate a separate obligation for the gap period. Through a process called filtering, they claimed that people who needed housing found a place to live, so they just had to project the housing needs from 2015-2025. But the Ocean and Middlesex judges denied this filtering process. E-Consult released a new report in March where the number raised from 403 to 411.

Princeton has a long track record in terms of affordable housing; Princeton Community Village was built in the 70s and the Fair Housing Act wasn't around until 1985.

Princeton has submitted a report to Judge Jacobson in December that stated that Princeton could provide 445 units to 2025, this being greater than E-Consult's 411.

The Judge has determined a Scheduling Order, which details the dates for the depositions and hearing. The court hearing for Princeton will take place between September 12th and September 14th.

Before this, there will be a mandatory scheduled mediation on May 9th. Representing Princeton will be Lee Solow, Lance Liverman, Liz Lempert and Jenny Crumiller.

Ms. Lempert indicated that Council has to show a fairly developed plan, including having financing in place, and zoning determined by September.

Mr. Schmierer said it can be phased in over the ten years, but the plan needs to be set at the beginning.

Mr. Pyle indicated that from his perspective there seems to be a deficit of housing for the very low income units. Mr. Schmierer indicated that there is a rule that new housing should be allocated to 50% moderate, 50% low (including 13% very low). This rule has been in existence over the past five years, so this percentage will gradually approach 13%. Mr. Pyle indicated that individuals receiving SSI or SSD can't afford to buy these units. Ms. Peacock indicated that there is a need for individuals' rents to be subsidized. The challenge is that while Princeton Housing Authority (PHA) offers very low and very, very low units, this is facilitated by federal subsidies. The Princeton Affordable Housing department does not have access to this funding.

By the end of this month Richard Redding, retained by the court to be a special master advising on the economics, will have a draft report with his final number including the gap period. This will likely be the most important number.

In prior settlements, such as in Middlesex, the final number is about a 30% reduction of the Fair Share number.

Property Maintenance

The Subcommittee discussed goals for the Board. One of them was to look at unit maintenance. Ms. Peacock distributed documentation of what she looks for in terms of normal wear and tear, and requested that the Board members review it. A policy discussion will be held at the following meeting so that it can be added to the operating manual for owners to better understand how to take care of their properties.

Coordinating Across Municipal Departments

Mr. Schraye asked the Mayor if there had been discussion on developing a mechanism to better coordinate with the Zoning and Planning Departments regarding new developments where it applies to Affordable Housing. Mr. McGowan indicated that this was part of the proposed Land Use Ordinance that would require the Planning Board to consult the Affordable Housing Board.

Ms. Lempert suggested, as a temporary fix, having someone from the Affordable Housing Board review the Planning Board or Zoning Board reports for multi-family development. This would be as a fail-safe while new commissions get into the habit of communicating these as they arise.

Ms. Lempert expressed her appreciation for the great work that the Affordable Housing Board has done.

VIII. ADJOURNMENT

Ms. Procaccino motioned to adjourn and Mr. Vonvorys seconded the motion. With all voting in favor of this action, the meeting ended at 8PM.

Respectfully submitted, Michael Soto