

Mtn. Lakes Affordable Housing Advisory Committee Meeting

Minutes of April 8, 2020 Meeting

The Committee met by Conference Call

Members attending: Bob Oostdyk, Borough Attorney; Marty Kane, Planning Board chair; Kelly Holliday, Planning Board member; Sandy Batty, Community Member; Alex Gotthelf, Community Member and MLHPC Chair, Blair Schleicher Bravo, Community Member and Committee Chair; Mayor David Shepherd; Councilman Dan Happer

Public: George Jackson, Meghan Leininger

1. **Minutes of** March 11, 2020 meeting approved as written

2. Discussion on development of accessory apartment program

Mitchell confirmed with Bob Oostdyk that CGP&H is using the latest copy of Accessory Apartment ordinance. Bob also said that the state of NJ regulates and protects tenants and grants them rights even if the tenants occupy nonconforming apartments. If a nonconforming unit is being converted to affordable, the current tenant can stay even if he/she doesn't meet the income qualifications. However, the 10-year deed restriction doesn't start until an income-qualified tenant is selected. The deed restriction runs with the land, even if the property is sold. Bob recommended that the Borough update the existing regulations to address the issue that an existing tenant who meets the income qualifications may remain. Regulations need court approval. Blair pointed out that the draft manual addresses this, saying that the tenant can remain but clock doesn't start till the income-qualified tenant is in place. Bob was not sure if we can count a postponed property into our program's 5 accessory units.

Regarding existing non-conforming rental units, Bob said we will need to decide what to do as we learn more about these apartments. This is a zoning compliance issue that doesn't have to be addressed in the affordable housing program. He suggests letting homeowners with apartments know that the affordable housing program is a chance to make a nonconforming apartment comply with the zoning.

Not all committee members had a chance to read the draft manual, which was sent the day before the meeting. Everyone should read it before the next meeting and give the comments to Kelly by May 1.

Mitchell informed the committee that the Borough's zoning establishing the bulk requirements was passed in Ordinance # 369, dated May 11, 1966. Presumably any apartments created after Mountain Lakes passed the single-family zoning would be non-conforming. If a homeowner believes his apartment is a preexisting condition the legal standard is that the burden of proof is on homeowner.

Mitchell has asked the tax assessor for a list of existing apartments in Borough and is waiting for his response.

3. **Next Steps.** With COVID 19 everything is delayed because of the difficulty in getting public input.

- 4/7/20: CGPH draft of manual received

- 5/1/20 Comments on manual to Kelly
- 5/13/20: Committee review draft manual
- 6/8/2020: Council review/discussion
- 7/13/2020 Council adoption
- Fall 2020: Public information meetings and marketing on accessory apartment program

Blair reviewed next steps for the AHAC committee:

1. Bob Oostdyk will incorporate into existing Accessory Apartment regulations protections for existing accessory apartment tenants.
 2. Bob will confirm that if a unit that is being converted to an affordable unit has an existing tenant who meets income qualifications, this can unit be counted as an affordable unit.
 3. Mitchell will follow up with the tax assessor to obtain the list of apartments in the Borough.
 4. The Council and manager will develop a policy regarding the consequences for a property owner identified as having a non- conforming rental unit who does not apply for the accessory apartment program.
 5. AHAC committee will send comments on Accessory Apartment manual to Kelly Holliday by 5/1/20.
 6. Kelly Holliday to coordinate all comments and get second draft of the manual to Committee by 5/8/20
 7. Blair Bravo will incorporate discussion of the draft manual on the 5/13/20 meeting agenda
 8. Blair will update timeline targets for council adoption of the manual.
4. As there were no comments/questions from the public the meeting was adjourned.
- 5. Next meeting- May 13, 2020 8:30 a.m. – 9:30 a.m.**

Respectfully submitted

Sandy Batty, secretary