



Getting Ready for the Number

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THIRD ROUND – SUPREME COURT DECISION

- ▶ How did we get here?
 - Challenges to prior third rounds
- ▶ 3/10/15 – reaffirms fair housing laws
- ▶ 7/9/15 – establishes process for municipal compliance
 - Five month period of protection against builder's remedy suits
 - Municipalities to establish its number for 3rd round
 - Provided deadline date in which municipalities MUST file its Fair Share Plan & Housing Elements

SUPREME COURT – GAP YEARS

- Gap years in play
 - Must account for the missing years 1999 – 2015
 - Obligation just increased ...
- Plan requires revisions



THIRD ROUND - COURT

- Draft Fair Share Plan court filing
- Where do we go from here
 - Push with proposed plan
 - Settlement
 - Litigate
- Once number is established – Fairness Hearing



FAIRNESS HEARING

- If settlement ...
 - Submit Fair Share Plan to court & review by litigants
 - Any objections
 - REWORK the plan



45
days

FAIRNESS HEARING – 45 days

Settlement

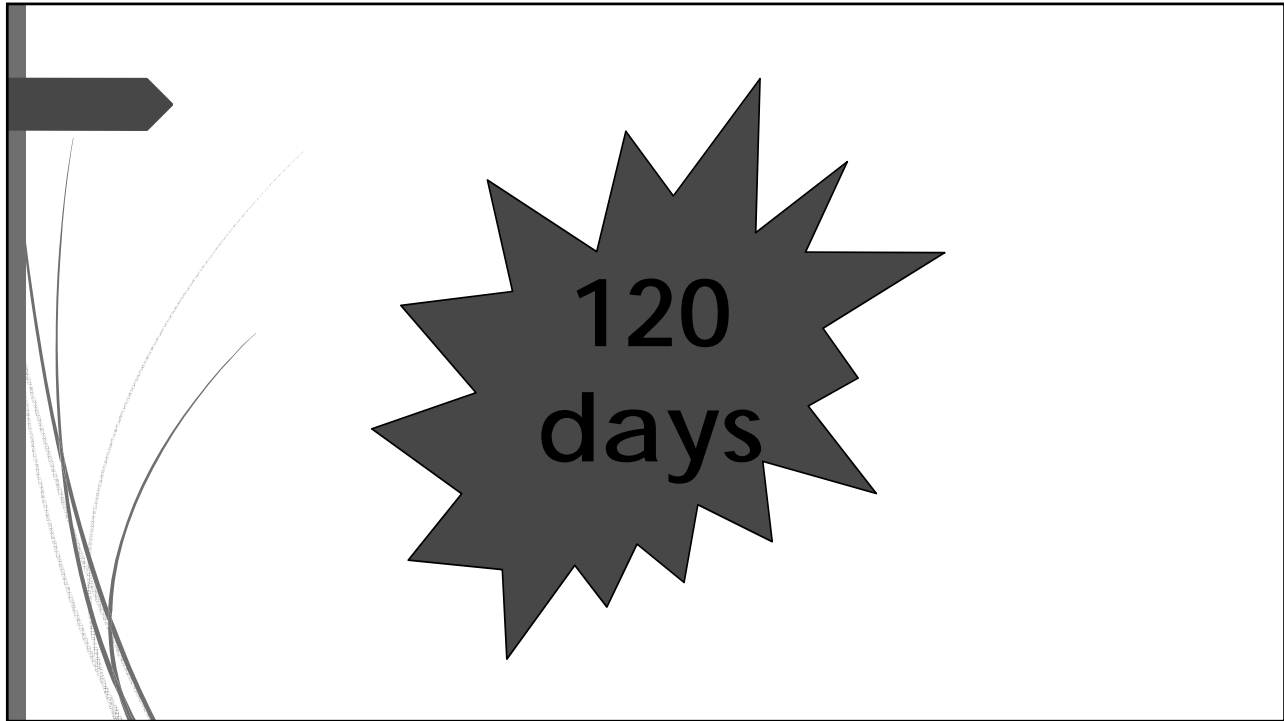
- ▶ Submit plan with agreed upon number to court & Fair Share Housing
 - ▶ No objections
 - ▶ On with the process ...
 - ▶ Objections ...
 - ▶ Back to negotiations ...

Litigate

- ▶ Sticking with town's consultant to prepare plan
- ▶ Hoping court master supports plan
- ▶ Court consultant, litigants, judge – factors in creating a major unknown obligation for the town ...

SO MUCH TO DO ... SO LITTLE TIME

- ▶ Adopting – Master Plan & Fair Share Plan
- ▶ Preparing Ordinances implementing plan
- ▶ Reviews by Governing Body & Planning Board
- ▶ Adoption of Ordinances



WHAT'S NEXT

- ▶ Adopt – Fair Share Plan: Governing Body
- ▶ Adopt – Master Plan: Planning Board
- ▶ Endorse – Fair Share Plan: Planning Board
- ▶ Spending plan: Governing Body
- ▶ Introduce ordinance(s): Governing Body
- ▶ Consistency MP review: Planning Board
- ▶ Final adoption: Governing Body

AGAIN - ALL WITH IN ...



FAIR SHARE PLANS

- How number is established
- How to comply
 - Credits/Bonus Credits
 - Construction of low & moderate units
 - Rehabilitation
 - Regional Contribution Areas (RCAs)
 - Age restricted units
 - Group homes
 - Units not approved from prior rounds



GOVERNING BODY

- ▶ Determines placement of affordable housing sites (Zoning)
- ▶ Discussions for private/public partnerships
- ▶ Discussions with developers, not for profit agencies, etc.
- ▶ Works with Planning Board for inclusion in the master plan



GOVERNING BODY

- ▶ Controls the spending plan (budget)
- ▶ Adopts municipal ordinances – governing, land use, affordable housing
- ▶ Approves Fair Share Plan



PLANNING BOARD (PB)

- Adopts the Master Plan
 - Housing Element & Fair Share Plans
- Capital improvement reviews or plans
 - Recommendations to fund construction projects
- Zoning
 - Recommendations for inclusionary zoning
 - Reviews land use ordinances for consistency with the master plan



PREPARING FOR MASTER PLAN HEARING

- Draft element distributed for discussion and review
 - Work session generally as a public meeting
 - Meetings are noticed
 - Gives public/special interest groups/elected officials and opportunity to present viewpoints and provide suggestions
 - Work session document, not necessarily available to public
- Final draft determination – staff and/or worksession



LEGAL REQUIREMENTS – MASTER PLAN HEARING

- ▶ At least 10 days prior to hearing for the adoption of a master plan or its element(s):
 - ▶ Notice by certified mail sent to all adjacent municipalities, County Planning Board along with a copy of what is proposed for adoption
 - ▶ Notice of hearing must be published in the official newspaper advising of hearing

MLUL: 40:55D-13



MASTER PLAN HEARING

- ▶ Document is made available for public access
 - ▶ Posting to municipal website
 - ▶ Copies available at public locations – library, Planning office, etc
 - ▶ Distributed to Board members in sufficient time prior to noticed meeting
 - ▶ Resolution to adopt should be made part of the material distributed

MASTER PLAN HEARING

- ▶ Element & Fair Share Plan presented to the Board for consideration
 - ▶ Recommendations/changes/additions can still be made to the material (not like an ordinance)
 - ▶ Board members, staff, public, special interest groups, etc.
- ▶ Board votes to adopt Housing Element & Fair Share Plan (*as amended**) to amend the Master Plan
- ▶ Resolution must be adopted (*hopefully distributed for same night adoption*)

* cannot be substantive change as determined by Board attorney

MASTER PLAN – PROCESSING THE ADOPTED AMENDMENT

- ▶ All changes accepted to the document at hearing are incorporated
 - ▶ Text
 - ▶ Maps, charts, graphs, etc.
 - ▶ Finalize resolution
- ▶ Distribute adopted document to Planning Board, staff, Board/Municipal Attorneys and Governing Body

LEGAL REQUIREMENTS – MASTER PLAN ADOPTION

- ▶ Adoption of a resolution by the Planning Board (generally done at the hearing)
- ▶ Within 30 days after the adoption:
 - ▶ Completed document (whatever was adopted) must be sent by certified mail to the County Planning Board along with a copy of the Board's resolution – hard copy, *electronic and/or disks are NOT accepted*
 - ▶ Notice of the Board's action must be published in the official newspaper of the municipality
 - ▶ Adopted material must be made available to public

MLUL: 40:55D-13 (3) (b)

ORDINANCE(S) ADDRESSING FAIR SHARE PLAN

- ▶ Drafts of proposed new zoning or updated zoning ordinance(s)
 - ▶ Initiated by governing body or Planning Board
- ▶ Timeline to put zoning in place
- ▶ Governing Body decides when ordinance(s) are scheduled



LEGAL REQUIREMENTS – ORDINANCE ADOPTION

- ▶ First reading at governing body meeting, known as 'introduction'
- ▶ Zoning ordinances -sent to PB to review for consistency with the Master Plan
- ▶ PB to respond back to governing body within 35 days
- ▶ Governing body notices hearing to those affected by the zone change & within 200 feet
- ▶ Schedules second hearing & adopts



THIRD ROUND PLAN

- ▶ Strict guidelines are in place
- ▶ Court remains as oversight
 - ▶ Unless proof given by municipality its able to transition



FINISH LINE ... ?

**Get to do this
all over again
in 8 years ...**