

Affordable Housing Board Meeting
Thursday, February 21, 2013

The following are the minutes of the Affordable Housing Board meeting, which was held on Thursday, February 21, 2013 in the Community Development Conference Room, located in the Lawrence Township Municipal Building.

Statement of Proper Notice

Adequate notice of the regular meeting of the Lawrence Township Affordable Housing Board has been provided by filing an annual meeting schedule with the Municipal Clerk, and by filing the agenda with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger.

Opening of Meeting/Roll Call:

Present: Peter Ferrone, John Masso, Kevin VanHise, Walker Ristau

Absent: William Capell

Excused Absence: Susan McCloskey, Jean Washington, J. Andrew Link, Principal Planner, James Kownacki, Council Liaison

Also Present: Susan Snook, Secretary

Approval of Minutes:

The January 17, 2013 minutes were approved as submitted by unanimous vote.

General Public Comment:

None

Hardship Waiver Request (Madeline Philippi, 57 Voscek Court):

Chairperson VanHise explained to the Board members that there is a provision in the Affordable Housing regulations that will allow a home owner to come in if they are unable to meet the requirements of the resale of their affordable unit.

Present was John Bell, Real Estate Agent; Madeline Philippi owner of 57 Voscek Court and Kathleen Philippi, daughter of Ms. Philippi. Kathleen Philippi asked the Board members if they had an opportunity to read what this waiver is and what information must be presented to be considered for the waiver and a waiver has never been granted before.

Chairperson VanHise stated this Board has not had a hardship waiver. Chairperson VanHise stated there is a section in the Land Use Ordinance that basically specifies if you can document a hardship it would allow a low income unit to basically sell to a qualified moderate income person and vice versa. The Board, by policy, in 1998; did setup some guidelines, which are universal, out of the COAH regulations. Basically, it needs to be demonstrated that it is a hardship; so as part of that the seller needs to document that you went through the list that the Township supplies and see if anyone qualifies and the maximum resale price, which does not mean the guaranteed price. You must document your efforts and reaching

Affordable Housing Board Meeting
Thursday, February 21, 2013
Page 2

out to those people; provide proof that you entered into negotiations, there may be conditions, for instance the condition of the unit or there have not been upgrades; which could impact the price and document it. If still unable to find a buyer, then you go to the hardship provisions and demonstrate why it is a hardship; because of the market conditions; because no buyers; is there something with the unit; further prices reductions. This is what the Board is here to hear; of the efforts and see whether or not it is appropriately granted.

Mr. Bell stated the unit was originally listed at \$100,479 and it first listed back in December 21, 2011 with a different real estate company and Mr. Bell listed the property in June of 2012. Ms. Philippi stated there were some modifications that needed to be made to the property to pass the inspection; the violations were repaired and no other modifications were made because of financial reasons. On March 7, 2011 Mr. Bauer received the list of names from the Township and on March 10, 2011 sent out the letter to the people on list; the showings were sporadic, less than a handful of showings or calls from the people on the list. As of this time, they received no offers and feels they have done as much as she could possibly do. A real estate agent presented an offer of \$80,000 and that was against the list price of \$103,500. This questioned why it would be coming in at \$23,000 under the listed price. The next day she received a call, he has a buyer and will pay for \$103,500, which she felt something was not right that the next day a price came in for the full price.

Ms. Philippi took the property off of the market and hired Mr. Bell. He contacted the Township to get an updated list which contained 15 or 16 people and only showed it to 3, no one else was interested. Mr. Bell contacted the Township and asked for the moderate list and was told he could open it up to the general public and it was sporadic showings, maybe every 2 weeks. Most of the showings were investors and individuals who did not qualify. The past month they were offered a full price; however, he qualifies over the low income by \$200 or \$300. Ms. Philippi stated they have an opportunity to sell the property and have this hurdle. Mr. Bell lowered the price and contacted everyone on the list again.

Ms. Philippi stated they have done everything possible to sell this unit and this property must be sold because she cannot go up three flights of stairs. Ms. Philippi stated they cannot reduce much more because of the rent in the new place in a very modest complex. Ms. Philippi went through again everything that Mr. Bell has done and wants to know what they have to do?

Chairperson VanHise if the price was reduced further, would there be an interest? Mr. Bell stated it is priced very well at where it is and even with the comparisons and findings, it is not the price, it is finding people to fit the income requirements.

Chairperson VanHise asked what was the feedback about unit? Mr. Bell stated people were not just interested; people with children did not want a third floor unit or the condition of the unit. Chairperson VanHise stated to Mr. Bell, even if the waiver is granted, he still will be capped on his ability to sell to anybody except the low income. Mr. Bell stated the buyer is aware of that.

Ms. Philippi stated if they have to send out the letters to the people on the moderate list, it would be taking a step back again. It was brought to the attention that the person purchasing this unit is on the bottom of the list. The showing made him apply for affordable housing. Chairperson VanHise stated there are two issues: whether the hardship waiver is warranted; and if so, then are there any conditions on it like they would have to exhaust the list to get to the person or because of this situation he was brought in and at the bottom of the list because he was brought in after being told he could not get access to the list.

Affordable Housing Board Meeting
Thursday, February 21, 2013
Page 3

Mr. Walker stated after reading the ordinance, it seems like our hands are tied about granting the waiver and asked what efforts have been made to sell less than the maximum price. Ms. Philippi stated they dropped the price by \$4,500. Mr. Masso asked to see is the actual proof and the log response. The letters were not sent to the Township. Chairperson VanHise read from the waiver on resales, see attached.

Mr. Bell will supply the Township with the log of responses; Mr. Bell stated it was advertised and will get the Township the information (Trenton MLS, Weichert.com, web site, realtor.com, and all major web sites).

If the Board is satisfied with what was heard, the Board can approve the waiver and set conditions. If this person does not purchase the unit, they the moderate list will become available. Ms. Philippi stated she would have taken the moderate list when she asked for it and would not be sitting here at this table which was 3 months ago.

The name of the buyer is Robert Basta. Mr. Masso made a motion to approve the hardship waiver for the sale to Robert Basta conditioned upon the criteria being met: proof of log; proof of advertisement; documented attempts to negotiate any price and a narrative with above attachments (printouts, etc.).

Mr. Masso moved that a waiver be granted to allow Madeline Philippi to sell 57 Voscek Court, a low income affordable unit, to a moderate income household, specifically to Robert Basta. Mr. Ferrone seconded the motion. The motion was unanimously approved.

Status of Changes at State Level

Chairperson VanHise stated the Supreme Court met and has the ability to appropriate affordable housing trust fund monies that have not been committed to be spent within a 4 year period; therefore, nothing has changed.

Other Business:

Chairperson VanHise stated the Board needs to come up with an application procedure and write some guidelines. The only thing that is binding is the Land Use Ordinance, see attached section. The application should be submitted to the Board members and if all the required attachments are not submitted, the application will be incomplete and will be scheduled at the next meeting. Mr. Masso volunteered to prepare an application to the Board.

Adjournment:

The meeting was adjourned at 7:34 p.m. The next meeting will be held on March 21, 2013 at 6:30 p.m.

Susan Snook
Secretary

SJS

g:\affordable housing board\ahb 2013\minutes\february 21, 2013.doc