

Plans, Master Plans and Amendments

Report to the Board March 10th through April 13th 2016

Municipality	Borough of Mountain Lakes
Document	Housing Element and Fair Share Plan
Public Hearing	March 24, 2016
Summary	Housing Element and Fair Share Plan prepared in response to the NJ Supreme Court 2015 decision.

- Mountain Lakes petitioned for Third Round substantive certification of its first Third Round Housing Plan from COAH in December 2005; however, the Appellate Court overturned portions of the COAH regulations in 2007. Subsequently, Mountain Lakes began working with the Highlands Council to assist with development of a new obligation figure / Third Round Fair Share Plan under conditions set in the memorandum of understanding between the Highlands Council and COAH, enacted as a consequence of the Governor’s Executive Order 114. The Council assigned the Borough an obligation of eleven units. In 2010, the Borough prepared a new Housing Element / Fair Share Plan in accordance with the Highlands guidelines.
- In 2010, the Appellate Court invalidated portions of the then current COAH rules and in 2011, the Appellate Division also invalidated the 2009 COAH resolution pertaining to the Highlands and accompanying Guidance Document, and in doing so, invalidated the Third Round Obligation for Mountain Lakes established via the Highland Council’s build-out analysis.
- This currently proposed Housing Element and Fair Share Plan (Plan) was developed in response to the March 2015 Supreme Court decision authorizing the Courts to hear and decide actions addressing compliance with Mount Laurel obligations, previously the jurisdiction of COAH. The new Plan identifies the affordable housing obligation as determined by Econsult Solutions in their report entitled “New Jersey Affordable Housing Need and Obligations,” dated December 30, 2015. These calculations for Mountain Lakes are as follows:
 - Present Need / Rehabilitation Obligation 1 unit
 - Prior Round Obligation for 1987 – 1999 80 units
 - Prospective Need Obligation for 2015 – 2025 50 units
- Concerning is Present Need/Rehabilitation Obligation, the Borough intends to participate in the Morris County Community Development Block Grant Housing Rehabilitation Program to address this single unit.
- Regarding the Prior Round obligation, the Borough notes that COAH granted Mountain Lakes a vacant land adjustment lowering the new construction portion of the obligation to the Borough’s realistic development potential of 18 units with an adjustment or unmet need of 62 units. To address this obligation the Borough enacted inclusionary zoning, participated in an RCA exchange with the City of West Orange and established a Borough-wide affordable housing overlay zone.
- The Third Round Prospective Need obligation for the years 2015 – 2025 is identified in the Econsult report as 50 units. The Borough identifies various existing projects, inclusionary and overlay zones, combined with the implementation of an accessory apartment program to meet this total 50 unit prospective need.