

**RESOLUTION GRANTING MOUNT OLIVE TOWNSHIP, MORRIS COUNTY A WAIVER**

**FROM N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a)**

**COAH DOCKET # 08-2022**

**WHEREAS**, on September 1, 1999, Mount Olive Township, Morris County, received second round substantive certification of its Housing Element and Fair Share Plan from the Council on Affordable Housing (“COAH”); and

**WHEREAS**, on September 14, 2005, Mount Olive received extended substantive certification; and

**WHEREAS**, on December 2, 2005, Mount Olive petitioned COAH with its third round Housing Element and Fair Share Plan; and

**WHEREAS**, NewBridge Services (“NewBridge”) purchased and plans to make repairs to a three-family dwelling located at 44 Gold Mine Road in Mount Olive, comprising one three-bedroom unit and two two-bedroom units, for use as supportive and special needs housing, available to low income families with at least one adult parent with special needs; and

**WHEREAS**, to finance the purchase of and repairs to the dwelling, NewBridge received funding from the New Jersey Housing Mortgage and Finance Agency Special Needs Housing Trust Fund in the amount of \$630,895 and \$7,380 in funding from United Way; and

**WHEREAS**, NewBridge acquired a bridge loan from New Jersey Community Capital in the amount of \$164,114 to cover the financing gap in the project, with the expectation of being reimbursed in this amount with funds provided from Mount Olive's affordable housing trust fund; and

**WHEREAS**, in a motion dated October 21, 2008, Mount Olive seeks a waiver from COAH, pursuant to N.J.A.C. 5:96-15.1, from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a), enabling the Township to reimburse NewBridge in the maximum total amount of \$164,114 for costs associated with purchasing and repairing the dwelling, to be paid from its affordable housing trust fund; and

**WHEREAS**, N.J.A.C. 5:97-8.1(d) mandates that a municipality may not spend development fees until such time as the municipality obtains approval of its spending plan from COAH and N.J.A.C. 5:97-8.7(d) requires that funds generated by the collection of development fees may only be applied toward housing activity identified in a COAH approved spending plan; and

**WHEREAS**, the waiver is necessary because the affordable housing project on which the Township wishes to spend affordable housing trust funds is neither identified in its third round Housing Element and Fair Share Plan nor does the Township have a COAH approved spending plan; and

**WHEREAS**, pursuant to N.J.A.C. 5:96-15.2, COAH's review of a waiver request shall consider whether the strict application of the rule would create an unnecessary hardship; or that such a waiver fosters the production of affordable housing, fosters the intent, if not the letter, of COAH's rules, and that the Housing Element and Fair Share Plan provide a mix of housing options; and

**WHEREAS**, granting the waiver requested would foster the production of affordable housing and would serve the intent of COAH's rules by ensuring that Mount Olive addresses its fair share obligation through a variety of affordable housing options including the creation of supportive and special needs housing; and

**WHEREAS**, no replies in opposition to Mount Olive's waiver request were received by COAH; and

**WHEREAS**, COAH staff has prepared a report dated December 10, 2008, attached and incorporated as Exhibit A, recommending that the waiver from N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a) be granted.

**NOW THEREFORE BE IT RESOLVED** that COAH finds that the waiver is necessary for Mount Olive to take advantage of an emergent affordable housing opportunity in the municipality, thus fostering the production of affordable housing in the Township and fostering the intent of COAH's rules; and

**BE IT FURTHER RESOLVED** that the disbursement of funds from Mount Olive's affordable housing trust fund to reimburse NewBridge for costs associated with purchasing and making repairs to a three-family dwelling for use as supportive and special needs housing is consistent with the goal of promoting affordable housing in the Township; and

**BE IT FURTHER RESOLVED** that COAH grants the waiver from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a), with the following conditions:

1. Mount Olive must either petition COAH by December 31, 2008 with a revised third round Housing Element and Fair Share Plan or adopt a resolution within 45 days committing to petition COAH in accordance with the petition deadline extension and terms of extension set forth in the Memorandum of Understanding between COAH and the Highlands Council dated and effective October 30, 2008; and
2. Mount Olive must include the NewBridge supportive and special needs project in its revised third round Housing Element and Fair Share Plan and Spending Plan.

DATED: *December 10, 2008*

  
\_\_\_\_\_  
Renee Reiss, Council Secretary