

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

New Providence Borough, Union County
COAH Docket Number 09-2169

WHEREAS, on August 5, 1998, New Providence Borough (“New Providence” or “Borough”), Union County, received second round substantive certification of its Housing Element and Fair Share Plan from the Council on Affordable Housing (COAH) and extended second round substantive certification on May 11, 2005; and

WHEREAS, on October 8, 2008, the Borough received approval of a development fee ordinance from COAH; and

WHEREAS, on December 31, 2008, New Providence petitioned COAH for third round substantive certification, which was deemed complete by COAH on March 9, 2009; and

WHEREAS, on September 16, 2009, New Providence submitted to COAH a motion request for a waiver from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a); 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

WHEREAS, N.J.A.C. 5:97-8.7(a) provides 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, New Providence’s third round petition for substantive certification included a spending plan that does not contain the housing activity for which the Borough seeks to expend affordable housing trust funds and that has not yet been approved by COAH; and

WHEREAS, New Providence proposes to utilize \$125,000 that is currently on deposit in the Borough's Affordable Housing Trust Fund to partially fund property improvements at two supportive and special needs projects being developed by ARC of Union County ("ARC") and Our House, Inc. ("Our House"); and

WHEREAS, ARC has an option to purchase a dwelling at 905 Springfield Avenue that will undergo interior and exterior renovations and be converted to three bedrooms of supportive and special needs housing made available to low income individuals; and

WHEREAS, Our House operates supportive and special needs housing at 32 Pine Way, which will undergo interior renovations to increase the number of bedrooms from four to six; and

WHEREAS, the Borough proposes to expend \$75,000 and \$50,000 from its affordable housing trust fund in support of the property improvements at the ARC and Our House projects respectively; and

WHEREAS, COAH's monitoring records indicate that, as of October 2009, the Borough's affordable housing trust fund had a balance of \$132,619; and

WHEREAS, New Providence's motion request was considered by a COAH Task Force on October 26, 2009; and

WHEREAS, the Task Force recommended that New Providence's waiver request be granted, finding that the waiver is necessary for the Borough to take advantage of emergent affordable housing opportunities in the municipality, and noting that granting the waiver fosters the production of affordable housing and fosters the intent of COAH's rules, and finding that the Fair Share Plan provides a mix of housing options, as outlined in the COAH report dated October 27, 2009 (Exhibit A).

NOW THEREFORE BE IT RESOLVED that COAH grants New Providence 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. New Providence must amend its third round Fair Share Plan to include the ARC group home and to reflect the increase in the number of bedrooms in the Our House group home; and
2. New Providence must amend its spending plan to include the expenditures from its affordable housing trust fund on the ARC and Our House projects.

I hereby certify that this Resolution was
duly adopted by the Council on Affordable
Housing at its meeting on November 12, 2009

A handwritten signature in cursive script that reads "René Reiss". The signature is written in black ink and is positioned above the printed name and title.

René Reiss, Secretary

Council on Affordable Housing