

**RESOLUTION GRANTING WARREN TOWNSHIP, SOMERSET COUNTY 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)**

COAH Docket Number: 09-2167

WHEREAS, Warren Township, Somerset County petitioned COAH on December 30, 2008; and

WHEREAS, the petition was deemed complete on May 15, 2009 and Warren published notice commencing the public comment period; and

WHEREAS, one objection was received during the comment period, submitted by American Properties at Mount Bethel Road, LLC and Landmarks at Warren; and

WHEREAS, Warren's Housing Element and Fair Share Plan (HEFSP) is currently being reviewed by COAH staff and mediation will be scheduled; and

WHEREAS, Warren's cumulative affordable housing obligation is comprised of a 13-unit rehabilitation obligation, a 543-unit prior round obligation and a 404-unit growth share obligation; and

WHEREAS, Warren proposes to meet its affordable housing obligation through a variety of mechanisms, including a rehabilitation program, inclusionary developments, 100 percent municipally sponsored projects, supportive and special needs housing units, previously approved RCAs, assisted living units and extension of controls; and

WHEREAS, Warren submitted a motion requesting a waiver approving spending of Affordable Housing Trust Fund monies on Cerebral Palsy and Cooperative Housing Corporation Projects; and

WHEREAS, Warren states that Cerebral Palsy of North Jersey (CPNJ) is a non-profit entity dedicated to enhancing the lives of people with disabilities and other special needs; and

WHEREAS, Warren donated and deeded property located at 115 Stirling Road in Warren to CPNJ; and

WHEREAS, CPNJ is to use the property for the construction of a six-bedroom group home for the principal purpose of the education and treatment of persons afflicted with developmental disabilities, including cerebral palsy; and

WHEREAS, CPNJ estimates the cost of construction at approximately \$1,150,000, and has already secured financing in the amount of \$724,900, which includes

\$582,900 from the US Department of Housing and Urban Developments, \$100,000 from the Somerset County HOME program, and \$60,000 from the Federal Home Loan Bank; and

WHEREAS, CPNJ has requested an allocation of \$275,000 from the Warren Township AHTF, which was approved by the Warren Township Committee on December 11, 2008; and

WHEREAS, the Cooperative Housing Corporation (CHC), a non-profit entity whose mission is to provide affordable shared housing alternatives for older adults and special needs individuals, has also requested an allocation from the Warren Township AHTF; and

WHEREAS, in 1999 Warren donated and deeded CHC property located at Stirling Road and Lindberg Avenue, which was subdivided in 2001 and three low-income affordable homes, housing five individuals each, were constructed; and

WHEREAS, the minor subdivision deed restricts the use of the property to the provision of shared housing to Senior Citizens of low income; and

WHEREAS, if the property ceases to be used for this purpose, title reverts back to Warren Township; and

WHEREAS, CHC has received approval from Warren to expand two of the existing homes to provide an additional five bedrooms to each home; and

WHEREAS, CHC estimates the cost of construction at \$1,217,457 and has secured \$130,000 in construction funds from Somerset County HOME, and is requesting \$837,457 from DCA's Division of Housing and Community Resources; and

WHEREAS, in addition CHC is requesting \$275,000 from the Warren AHTF for construction of the project; and

WHEREAS, Warren states that the Spending Plan submitted to COAH as part of its third round petition did not include the CHC project and included the CPNJ project at \$250,000; and

WHEREAS, on September 10, 2009, Warren authorized an amendment to its Spending Plan to include the expenditure of \$275,000 for CPNJ and \$275,000 to CHC; and

WHEREAS, Warren argues that it cannot fulfill its commitments to CPNJ and CHC without an approved HEFSP and Spending Plan, and thus seeks a waiver from N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a); and

WHEREAS, Warren states that both CPNJ and CHC wish to proceed with construction this fall, and granting the waiver will foster the production of affordable housing in Warren Township; and

WHEREAS, Warren states that it has a balance of \$4,091,985.99 in its AHTF account; and

WHEREAS, no opposition received; and

WHEREAS, a task force convened on October 26, 2009 to discuss Warren's motion and recommends that the motion be granted as Warren has met the waiver requirements pursuant to N.J.A.C. 5:96-15.2.

NOW THEREFORE BE IT REOSLVED that Warren's motion for a waiver pursuant to N.J.A.C. 5:96-15.2 to expend \$275,000 on the CPNJ project and \$275,000 on the CHC project for a total expenditure of \$550,000 is hereby granted; and

BE IT FURTHER RESOLVED that the expenditure fosters the production of affordable housing, meets the intent if not the letter of COAH's regulations and that the municipal HEFSP includes a mix of housing options; and

BE IT FURTHER RESOLVED the waiver fosters the production of affordable housing as allocation of the funds from the AHTF would be used to produce a six-bedroom group home at the CPNJ site and an additional ten units at the CHC site; and

BE IT FURTHER RESOLVED the waiver fosters the intent of COAH's regulations, which specifically allow for emerging opportunities to provide affordable housing to be funded from the municipal AHTF; and

BE IT FURTHER RESOLVED Warren's HEFSP has a mix of housing options as noted above.

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 black ink that reads "Renee Reiss". The signature is written in a cursive style with a large, looping initial "R" and a distinct "Reiss" at the end.

Renee Reiss
Council Secretary