

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

**Burlington Township, Burlington County**  
**COAH DOCKET # 10-2214**

WHEREAS, Burlington Township (“Burlington” or “the Township”), Burlington County, received first round substantive certification on March 14, 1994; and

WHEREAS, on December 29, 2008, Burlington petitioned for third round substantive certification of its Housing Element and Fair Share Plan; and.

WHEREAS, the Township first received approval of a development fee ordinance from COAH on September 4, 1996 and approval of an amended ordinance on July 20, 2009; and

WHEREAS, on November 4, 2009, Burlington Township, on behalf of Family Services of Burlington County, transmitted to COAH a request for a spending plan waiver to allow Burlington Township to expend, prior to COAH approval of the spending plan, \$270,000 in trust fund monies for use by Family Services for nine properties included in both the Fair Share Plan and the spending plan; 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, Family Services currently owns and operates nine properties consisting of twelve supportive shared living bedrooms/units and the Township has an agreement with Family Services, dated October 14, 2008, to provide \$30,000 per property for a total of \$270,000; and

WHEREAS, Family Services stated in a November 4, 2009 letter to COAH that it has time-limited funding commitments from The New Jersey Housing and Mortgage Finance Agency (HMFA) and Burlington Township to move forward for closing on permanent funding for these properties; and

WHEREAS, the units will be restricted for a minimum of 30 years to persons with developmental disabilities and mental illness, and in compliance with COAH’s regulations concerning affordability and affirmative marketing; and

WHEREAS, according to Burlington Township, as of December 2009, the Township's Affordable Housing Trust Fund (AHTF) had a balance of \$1,688,329.26; and

WHEREAS, pursuant to N.J.A.C. 5:96-15.2, COAH may grant a waiver from specific provisions of its rules if it is demonstrated that strict application of the rules would impose an unnecessary financial, environmental or other hardship; or 1) The waiver would foster the production of affordable housing; 2) The waiver would foster the intent, if not the letter of COAH's rules; and 3) The Housing Element and Fair Share Plan provide a mix of housing options; and

WHEREAS, granting the waivers requested would foster the production of affordable housing and would serve the intent of COAH's rules by enabling Burlington to move forward with these affordable housing opportunities and would contribute to a variety of affordable housing options through the maintenance of supportive/special needs units; and

WHEREAS, based on a preliminary review, COAH staff finds that the project presents a realistic opportunity to create 12 affordable housing units in Burlington; and

WHEREAS, COAH received no opposition papers to the Township's waiver request; and

WHEREAS, a COAH task force considered Burlington's waiver request on May 3, 2010; and

WHEREAS, the task force recommends that Burlington's waiver request be granted, finding that the Township has met the waiver requirements of N.J.A.C. 5:96-15.2 by demonstrating that granting the waiver of N.J.A.C. 5:97 8.1(d) would foster the production of affordable housing and serve the intent of the COAH rules by enabling Burlington to move forward with this affordable housing opportunity and that the creation of affordable supportive/special needs rental units and would contribute to the variety of affordable housing options in the Township.

NOW THEREFORE BE IT RESOLVED that COAH grants the waiver from N.J.A.C. 5:97-8.1(d) thereby permitting the expenditure of \$270,000 by Burlington Township from its affordable housing trust fund for costs associated with the creation of supportive/special needs units; and

BE IT FURTHER RESOLVED that, as a condition of being granted these waivers, the proposed units shall continue to comply with all COAH and UHAC requirements.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on May 13, 2010.

A handwritten signature in black ink that reads "Renee Reiss". The signature is written in a cursive, flowing style with a large initial 'R'.

Renee Reiss, Council Secretary  
Council on Affordable Housing