

**RESOLUTION GRANTING PRINCETON BOROUGH, MERCER 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 #10-2218**

**WHEREAS**, on October 9, 1990, Princeton Borough, Mercer County, received a first round Judgment of Compliance from the Superior Court of New Jersey; and

**WHEREAS**, on October 16, 1996, Princeton Borough received from the Court a second round Final Judgment of Compliance; and

**WHEREAS**, on December 30, 2008, Princeton petitioned COAH with its third round Housing Element and Fair Share Plan; and

**WHEREAS**, Princeton Borough submitted a third round spending plan with its petition; and

**WHEREAS**, in a motion dated April 12, 2010, Princeton 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 Borough to use \$800,000.00 from its affordable housing trust fund for costs associated with purchasing and rehabilitating two properties for affordable housing; 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. 5:97-8.11(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**, the projects for which Princeton seeks this waiver are not in the Borough's third round fair share plan and are not identified in its proposed third round spending plan; and

**WHEREAS**, the Borough asserts that these two projects will further affordable housing production in the Borough; and

**WHEREAS**, Princeton Borough is seeking COAH approval for expenditure of a portion of its affordable housing trust fund to purchase two properties that are currently for sale in the Borough; and

**WHEREAS**, the Borough recently underwent a property revaluation and the Borough has provided comparable property values in the area of each of the houses proposed to be purchased; and

**WHEREAS**, the first property is located at 246 John Street; and

**WHEREAS**, the Borough is seeking approval to expend \$350,000.00 to purchase and rehabilitate 246 John Street; and

**WHEREAS**, after the rehabilitation is complete, the house will be transferred to Princeton Community Housing, a local non-profit, to manage; and

**WHEREAS**, 246 John Street will be deed restricted as a low- or moderate-income household in perpetuity and rents will be structured in accordance with COAH regulations; and

**WHEREAS**, the second property is located at 24 North Harrison Street; and

**WHEREAS**, the Borough is seeking approval to expend \$450,000.00 to acquire 24 North Harrison Street and subsequently transfer the property to Community Options, Inc.; and

**WHEREAS**, Community Options, Inc. will rehabilitate the property and manage it as a group home for low-income individuals; and

**WHEREAS**, 24 North Harrison Street will be deed restricted in perpetuity and rents will be structured in accordance with COAH regulations; and

**WHEREAS**, the waiver is necessary because the affordable housing projects are not identified in the Borough's third round Housing Element and Fair Share Plan nor in the Borough's 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 Princeton addresses its fair share obligation through a variety of affordable housing options including the creation of supportive and special needs housing; and

**WHEREAS**, the project presents a realistic opportunity to create affordable housing units in Princeton; and

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

**WHEREAS**, COAH staff prepared a report dated May 3, 2010, 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; and

**WHEREAS**, a COAH Task Force met on May 3, 2010 and after reviewing the motion, recommended granting the waiver request.

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

**BE IT FURTHER RESOLVED** that the disbursement of funds from Princeton's affordable housing trust fund for costs associated with purchasing, rehabilitating and transferring 246 John Street and 24 North Harrison Street for use as a single family home and supportive and special needs housing is consistent with the goal of promoting affordable housing in the Borough; 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 condition that the two properties be included in the Borough's third round housing element and fair share plan; failure to do so will result in the requirement that the Borough refund the \$800,000.00 to its municipal trust fund account.

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 cursive script that reads "Renee Reiss". The signature is written in black ink and is positioned above the printed name of the signatory.

Renee Reiss, Council Secretary  
Council on Affordable Housing