

RESOLUTION APPROVING WAIVER FROM N.J.A.C. 5:96- 26.6(e)

Rumson Borough, Monmouth County

COAH DOCKET # 10-2228

WHEREAS, Rumson petitioned COAH for, but never received, second round substantive certification; and

WHEREAS, on December 31, 2008, Rumson petitioned COAH for third round substantive certification of its Housing Element and Fair Share Plan; and

WHEREAS, included in the Borough's petition was a inclusionary project, known as Lafayette Mews Condominiums, located at the corner of Lafayette and Hunt Street (Block 8, Lot 4); and

WHEREAS, the developer of the Lafayette project received preliminary and final site plan approval from the Borough Board of Adjustment on December 16, 2008, to demolish an apartment building and garage and replace it with seven total townhouse units, including two affordable rental units, and the construction of the development has been completed; and

WHEREAS, the condo building looks like six units from the outside; however, the last unit was divided into two units, which are deed restricted for affordable housing; and

WHEREAS, the affordable units are half the size of the market rate units; and

WHEREAS, on May 21, 2010, Lafayette Navesink View Homes, LLC (Lafayette) transmitted to COAH a motion for a waiver from N.J.A.C. 5:80-26.6(e) to allow a distinction in the amount of condominium dues paid by affordable housing units and those paid by market-rate units within the same development (the Lafayette Mews Condominiums); and

WHEREAS, no opposition to Lafayette's motion has been received by COAH; and

WHEREAS, N.J.A.C. 5:96-26.6(e) provides that the master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers; and

WHEREAS, Lafayette states that since the affordable units are approximately half the size of the market rate units, Lafayette would like the Master Deed to provide that the affordable units pay half of what the market rate units pay for association fees; and

WHEREAS, the association fee is initially projected to be \$400, and if the motion request is approved, the fee for the affordable units would be \$200; and

WHEREAS, Lafayette maintains that the condominium association will receive the same amount in dues whether it was six market rate units or five market rate units with the sixth unit divided into two affordable units; and

WHEREAS, Lafayette states that while the revision does not create a hardship to Lafayette, it does create a hardship for the affordable unit owners if they have to pay the same fee as the market rate units that are twice the size of their unit; and

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

WHEREAS, a COAH task force considered Lafayette's waiver request on June 30, 2010; and

WHEREAS, the task force recommends that the waiver request be granted because strict application of the COAH rules and denial of the waiver would impose an unnecessary financial hardship, pursuant to N.J.A.C. 5:96-15.2, on the affordable housing unit owners because the affordable units are half the size of the market rate units.

NOW THEREFORE BE IT RESOLVED that COAH hereby approves the waiver request from N.J.A.C. 5:96-26.6(e) to allow Lafayette to charge the affordable housing units owners half of what the market rate unit owners pay for association fees in the Lafayette Mews Condominium development.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on July 15, 2010

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

Reneé Reiss, Secretary
Council on Affordable Housing