

52:15D-13

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2017 **CHAPTER:** 15

NJSA: 52:15D-13 (Ensures project deadline fairness, enhances transparency, and establishes foreclosure protection and mortgage relief program for Superstorm Sandy- impacted victims)

BILL NO: A333 (Substituted for S2300)

SPONSOR(S) Singleton and others

DATE INTRODUCED: 1-27-2016

COMMITTEE: **ASSEMBLY:** Housing & Community Development

SENATE: Community & Urban Affairs
Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6-30-2016

SENATE: 12-19-2016

DATE OF APPROVAL: 2-10-2017

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

A333

SPONSOR'S STATEMENT: (Begins on page 8 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Housing & Community
Development

SENATE: Yes Community & Urban Affairs
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes

S2300

SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Community & Urban Affairs
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

(continued)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Christie rips Sandy foreclosure protection bill - but signs it into law ," New Jersey 101.5, February 10, 2017

"Christie, with regrets, signs Sandy foreclosure bill," app.com, February 10, 2017

"Chris Christie Signs Bill to Stop Sandy-Related Foreclosures," The New York Times, February 10, 2017

"Christie Signs Sandy Foreclosure Bill," WBGO.org, February 10, 2017

"Christie signs bill to combat Sandy-related foreclosures," Associated Press State Wire: New Jersey, February 10, 2017

"Christie signs bill to halt Sandy foreclosures," The Star-Ledger, February 11, 2017

"Christie signs bill to give Sandy victims some protection against foreclosure," nj.com, February 11, 2017

RWH/JA

P.L.2017, CHAPTER 15, *approved February 10, 2017*
Assembly, No. 333 (*Second Reprint*)

1 AN ACT concerning Superstorm Sandy recovery, and amending and
2 supplementing P.L.2015, c.102.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.2015, c.102 (C.52:15D-4) is amended to
8 read as follows:

9 2. As used in P.L.2015, c.102 (C.52:15D-3 et seq.) , as
10 amended and supplemented:

11 "Agency" means the New Jersey Housing and Mortgage Finance
12 Agency established pursuant to section 4 of P.L.1983, c.530
13 (C.55:14K-4).

14 "Applicant" means an individual or business that has applied for,
15 is waiting for, or is receiving benefits under a recovery and
16 rebuilding program, and shall include individuals who are awaiting
17 the completion of a construction project using benefits received
18 under a recovery and rebuilding program.

19 "Commissioner" means the Commissioner of Community
20 Affairs.

21 "Department" means the Department of Community Affairs.

22 "Forbearance" means a period ²[, ending November 1, 2018,] of
23 time² during which obligations for mortgage and interest payments
24 are suspended.

25 "FRM" means the Fund for Restoration of Multifamily Housing.

26 "Qualified contractor pool" means a listing of contractors
27 approved by the Department of Community Affairs participating in
28 the RREM program.

29 "LMI" means Low-to-Moderate Income and the program for
30 which policies and procedures have been adopted by the
31 Department of Community Affairs.

32 "Mortgage" means a mortgage, trust deed, or other security in
33 the nature of a residential mortgage.

34 "Recovery and rebuilding program" means the use of funding
35 provided by the federal government for the RREM and LMI
36 programs, which are intended to help individuals rebuild and
37 recover from Superstorm Sandy, the TBRA program, which is
38 intended to assist renters in returning to and residing in areas
39 impacted by Superstorm Sandy, and the FRM program, which is

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted February 22, 2016.

²Assembly floor amendments adopted June 27, 2016.

1 intended to assist developers in repairing or replacing rental
2 housing units damaged or destroyed by Superstorm Sandy.

3 "RREM" means Reconstruction, Rehabilitation, Elevation and
4 Mitigation.

5 "Sandy-impacted homeowner" means a homeowner² [who, as of
6 October 29, 2012, occupied a home as his or her primary residence
7 that, as a result of Superstorm Sandy, sustained:

8 (1) damage of at least \$8,000, or

9 (2) more than one foot of water on the first floor as determined
10 ¹[by the Federal Emergency Management Agency] pursuant to the
11 applicable RREM and LMI policies and procedures¹] for whom one
12 or both of the following are true:

13 (1) the homeowner received rental assistance from the Federal
14 Emergency Management Agency as a result of damage to his or her
15 primary residence due to Superstorm Sandy; or

16 (2) the homeowner has been approved for assistance through the
17 RREM or LMI program².

18 "Superstorm Sandy" means the major storm that made landfall in
19 New Jersey on October 29, 2012.

20 "TBRA" means Tenant-Based Rental Assistance.

21 (cf: P.L.2015, c.102, s.2)

22

23 2. Section 3 of P.L.2015, c.102 (C.52:15D-5) is amended to
24 read as follows:

25 3. Within 60 days of the effective date of [P.L.2015, c.102,
26 (C.52:15D-3 et seq.)] P.L. c. (pending before the Legislature as
27 this bill), the department shall:

28 a. Provide each applicant to the RREM and LMI program with
29 a personal timeline setting forth a general estimation of the time in
30 which an applicant can expect to receive assistance through the
31 RREM program and LMI program and a reasonable estimate of
32 when the applicant can expect completion of the project for which
33 they have requested assistance, based upon the department's past
34 experience administering funds through the RREM program and
35 LMI program. The timeline shall track the process of applying for
36 assistance from the RREM and LMI programs from the time an
37 applicant files his or her application with the department through
38 the completion of the project for which the applicant requested
39 assistance, and shall include:

40 (1) When the applicant should expect to receive 50 percent of
41 the RREM grant money that the department has awarded the
42 applicant; and

43 (2) When the applicant should expect to receive 100 percent of
44 the RREM and LMI grant money that the department has awarded
45 the applicant.

1 b. Provide each applicant to the RREM program and LMI
2 program with information about the status of his or her individual
3 application, including:

4 (1) the date on which the department received the application;

5 (2) a list of all required documents or other verifications
6 submitted by the applicant related to the application and the date on
7 which the department received each document; and

8 (3) a list of all documents or other verifications which still need
9 to be submitted by the applicant in order to complete the RREM
10 application and LMI application and the date on which each item
11 must be received.

12 c. Upon request from an applicant to the RREM program and
13 LMI program appealing a decision to deny the applicant benefits
14 under the program, provide to the applicant information about the
15 status of his or her appeal, including:

16 (1) the date on which the applicant filed the appeal;

17 (2) all pending reviews of the appeal and the date of any
18 upcoming hearings related to the appeal;

19 (3) the department's final determination, if one is made as of the
20 date the request for information is fulfilled, or otherwise the date on
21 which the applicant can expect that the department will make a final
22 determination concerning the appeal; **【and】**

23 (4) a list of all documents related to the appeal and the date on
24 which each document was filed ; and

25 (5) an explanation of any decision to deny an application for aid,
26 and an explanation of how to remedy the application, when
27 possible, and continue the appeal process.

28 d. In the event the department denies an appeal by a RREM or
29 LMI applicant, the department shall refer the applicant to a housing
30 counselor who is certified by the federal Department of Housing
31 and Urban Development or is part of a program established by the
32 department to provide housing counseling to people impacted by
33 Superstorm Sandy.

34 e. Extend the one-year deadline for completing a project
35 following a RREM or LMI grant award date for any applicant who
36 demonstrates that the delay is the result of:

37 (1) the non-performance or non-availability of the contractor, or

38 (2) delays by the department in approving the contractor
39 associated with the project.

40 f. Maintain an appeals process for at least six months
41 following the effective date of P.L. c. (pending before the
42 Legislature as this bill), open to any applicant to the RREM
43 program who submitted an initial application by the deadline of
44 August 1, 2013, regardless of the reason the applicant had
45 previously withdrawn, or been denied or removed from the
46 application process.

47 (cf: P.L.2015, c.102, s.3)

1 3. Section 5 of P.L.2015, c.102 (C.52:15D-7) is amended to
2 read as follows:

3 5. a. Within 180 days of the effective date of P.L.2015, c.102
4 **[,]** (C.52:15D-3 et seq.), the department shall develop and maintain
5 an Internet website or webpage providing information concerning
6 recovery and rebuilding programs. At a minimum, the website
7 shall:

8 (1) Allow an applicant to a recovery and rebuilding program to
9 submit securely through the website a request for specific
10 information on the current status of his or her application for
11 assistance from a recovery and rebuilding program, to which the
12 department shall respond by phone or by email within two business
13 days.

14 (2) Provide a plain language explanation of every recovery and
15 rebuilding program, all requirements to apply for and receive
16 benefits, how to file appeals, and a description of the process
17 necessary to correct any deficiency with an application.

18 (3) Provide contact information for each builder in the qualified
19 contractor pool, including each builder's telephone number and
20 Internet website address, and identify any builders that have been
21 removed from the qualified contractor pool.

22 (4) Provide and update information regarding the expenditure of
23 recovery and rebuilding program funds and related contracts on the
24 Internet website on a monthly basis. A full and current explanation
25 of the criteria and process by which recovery and rebuilding
26 program applications are prioritized shall also appear on the
27 website. Changes to program policy, information on new contractor
28 awards, and the status of work performed pursuant to the contractor
29 awards shall be posted on the Internet website.

30 (5) Provide information on how all recovery and rebuilding
31 program funding has been and will be allocated on the Internet
32 website, including information about the allocation process for all
33 rounds of funding distribution; and:

34 (a) the total number of applications submitted for recovery and
35 rebuilding program funding;

36 (b) the number of applicants that have received 50 percent or
37 more of the recovery and rebuilding program grant money that the
38 department has awarded them;

39 (c) the number of applicants that have received 100 percent of
40 the recovery and rebuilding program grant money that the
41 department has awarded them;

42 (d) the number of applicants that have completed recovery and
43 rebuilding program-funded construction or elevation projects in
44 compliance with local, State, and federal building codes and
45 regulations; and

46 (e) the number of applicants that have received a final
47 certificate of occupancy and grant closeout.

1 b. The department shall develop and publish on the Internet
2 website a description of how it developed the timelines for the
3 disbursement of recovery and rebuilding program assistance
4 developed pursuant to sections 3, 7, and 8 of P.L.2015, c.102 [,] (C.52:15D-3 et seq.). The department shall allow an applicant to
5 request his or her individualized timeline for the disbursement of
6 program funding, developed pursuant to sections 3, 7, and 8 of
7 P.L.2015, c.102 [,] (C.52:15D-3 et seq.), through the website, to
8 which the department shall respond by phone or by email within
9 two business days.
10

11 c. The department shall publish on the Internet website its
12 quarterly goals for the disbursement of recovery and rebuilding
13 program assistance developed pursuant to section 4 of P.L.2015,
14 c.102 [,] (C.52:15D-3 et seq.).

15 d. The department shall publish on the Internet website the
16 commissioner's report on the use of Community Development
17 Block Grant Disaster Recovery funds and other funds that may be
18 available for similar purposes for interim assistance submitted to
19 the Governor and Legislature pursuant to section 6 of P.L.2015,
20 c.102 [,] (C.52:15D-3 et seq.).

21 e. In addition to publishing the information as required in
22 [subsections a. through d. of] this section, the department may
23 distribute the information by any other method it deems
24 appropriate.

25 f. (1) By the first day of the sixth month next following
26 enactment of P.L. c. (pending before the Legislature as this
27 bill), the department shall publicly report:

28 (a) The reason for each application denial and wait-list
29 placement from the RREM, TBRA, and LMI programs since the
30 beginning of the recovery effort;

31 (b) After conducting a reasonable effort to contact withdrawn
32 applicants, the reason for each withdrawal by an applicant from the
33 RREM, TBRA, and LMI programs since the beginning of the
34 recovery effort; and

35 (c) Concerning application denials, wait-list placements, and
36 withdrawals from the RREM, TBRA, and LMI programs since the
37 beginning of the recovery effort, information on where the
38 associated funding has been allocated.

39 (2) On a quarterly basis, beginning with the enactment of
40 P.L. c. (pending before the Legislature as this bill), and
41 continuing through the end of 2018, the department shall publicly
42 report:

43 (a) The reason for each new application denial and wait-list
44 placement from the RREM, TBRA, and LMI programs;

45 (b) After conducting a reasonable effort to contact withdrawn
46 applicants, the reason for each new withdrawal by an applicant from
47 the RREM, TBRA, and LMI programs; and

1 (c) Concerning new application denials, wait-list placements,
2 and withdrawals from the RREM, TBRA, and LMI programs,
3 information on where the associated funding is instead being
4 allocated.

5 (cf: P.L.2015, c.102, s.5)

6
7 4. Section 7 of P.L.2015, c.102 (C.52:15D-9) is amended to
8 read as follows:

9 7. Within 60 days of the effective date of P.L.2015, c.102 **[,]**
10 (C.52:15D-3 et seq.), the department shall:

11 a. Provide each applicant to the TBRA program with a timeline
12 setting forth a general estimation of the time in which an applicant
13 can expect to receive assistance through the TBRA program, based
14 upon the department's past experience administering funds through
15 the TBRA program. The timeline shall track the process of
16 applying for assistance from the TBRA program from the time an
17 applicant files his or her application.

18 b. Provide each applicant to the TBRA program with
19 information about the status of his or her individual application,
20 including;

21 (1) the date on which the department received the application;

22 (2) a list of all required documents or other verifications
23 submitted by the applicant related to the application and the date on
24 which the department received each document; and

25 (3) a list of all documents or other verifications which still need
26 to be submitted by the applicant in order to complete the TBRA
27 application and the date on which each item must be received.

28 c. Upon request from an applicant to the TBRA program
29 appealing a decision to deny the applicant benefits under the
30 program, provide to the applicant information about the status of his
31 or her appeal, including:

32 (1) the date on which the applicant filed the appeal;

33 (2) all pending reviews of the appeal and the date of any
34 upcoming hearings related to the appeal;

35 (3) the department's final determination, if one is made as of the
36 date the request for information is fulfilled, or otherwise the date on
37 which the applicant can expect that the department will make a final
38 determination concerning the appeal; **[and]**

39 (4) a list of all documents related to the appeal and the date on
40 which each document was filed ; and

41 (5) an explanation for any decision to deny an application for
42 aid, and, if eventual approval is still possible, an explanation for
43 ways to remedy the application.

44 d. In the event the department denies an appeal by a TBRA
45 applicant, the department shall refer the applicant to a housing
46 counselor who is certified by the federal Department of Housing
47 and Urban Development or is part of a program established by the

1 department to provide housing counseling to people impacted by
2 Superstorm Sandy.
3 (cf: P.L.2015, c.102, s.7)
4

5 5. (New section) a. A Sandy-impacted homeowner shall be
6 eligible for a forbearance ²if payments due under a mortgage were
7 current as of August 10, 2015, the effective date of P.L.2015, c.102
8 (C.52:15D-3 et seq.) regardless of whether the homeowner's
9 primary residence is already the subject of a foreclosure proceeding².
10 The Sandy-impacted homeowner shall apply to the commissioner,
11 on forms to be provided by the department, for a certification of
12 eligibility for the forbearance under this subsection before the first
13 day of the ²ififth third² month next following ²the effective date
14 of P.L. , c. (pending before the Legislature as this bill) the date
15 when the commissioner makes the application available pursuant to
16 subparagraph (b) of paragraph (1) of subsection e. of this section².
17 The commissioner shall approve or deny an application within 30
18 days of its delivery to the commissioner. If the application is not
19 approved or denied within 30 days of its delivery, the application
20 shall be deemed approved.

21 b. ²The forbearance period shall conclude upon the earlier of:
22 (1) the conclusion of one year following issuance of a certificate
23 of occupancy for recovery and rebuilding program work;
24 (2) July 1, 2019; or
25 (3) regarding a property in foreclosure proceedings, upon the
26 expiration of 10 days following sheriff's sale.

27 c.² Notwithstanding the provisions of any law, rule, or
28 regulation to the contrary, the repayment period of any mortgage
29 subject to the forbearance established in subsection a. of this section
30 shall be extended by the number of months the forbearance is in
31 effect. During the time of the forbearance and during the period
32 constituting an extension of the mortgage, ¹the interest rate shall
33 be the same rate as agreed upon in the original mortgage all terms
34 and conditions of the original mortgage, except with regard to
35 default and delinquency during forbearance, shall continue without
36 modification¹, and there shall be no fees assessed for the
37 forbearance, or penalty for early repayment.

38 ²[c.] d.² A Sandy-impacted homeowner who was the subject of
39 a foreclosure proceeding as of August 10, 2015, the effective date
40 of P.L.2015, c.102 (C.52:15D-3 et seq.) shall, upon good cause
41 shown, be awarded, by the court and upon application by the
42 property owner, a stay in the foreclosure proceedings ²until
43 November 1, 2018². An application to the court by a property
44 owner under this subsection shall be made before the first day of the
45 fifth month next following the effective date of P.L. , c.
46 (pending before the Legislature as this bill) ², unless the courts in

1 their discretion permit application submission for a longer period.
2 The receipt of rental assistance from the Federal Emergency
3 Management Agency as a result of damage to the homeowner's
4 primary residence due to Superstorm Sandy, or approval for
5 assistance through the RREM or LMI program, shall constitute
6 good cause for the award of a stay under this subsection for a period
7 concluding upon the earlier of:
8 (1) the conclusion of one year following issuance of a certificate
9 of occupancy for recovery and rebuilding program work; or
10 (2) July 1, 2019².
11 ²[d. The commissioner shall] e. (1) Prior to the first day of the
12 second month next following the effective date of P.L. , c.
13 (pending before the Legislature as this bill), the commissioner shall:
14 (a)² notify as many Sandy-impacted homeowners as is
15 reasonably possible of eligibility for a forbearance or stay of
16 foreclosure proceedings ²[prior to the first day of the second month
17 next following effective date of P.L. , c. (pending before the
18 Legislature as this bill).
19 e.] ;
20 (b) post information on eligibility and the application process
21 for the forbearance and stay of foreclosure proceedings, and make
22 forbearance applications available, on the department's Internet
23 website;
24 (c) notify the courts of what individuals and associated
25 properties are eligible for a forbearance or stay of foreclosure
26 proceedings; and
27 (d) to the greatest extent reasonably possible, notify the State's
28 active mortgage lenders of what individuals and associated
29 properties are eligible for a forbearance or stay of foreclosure
30 proceedings.
31 (2) Upon knowledge of a homeowner's eligibility for a
32 forbearance or stay of foreclosure proceedings, the mortgage lender
33 shall notify the homeowner and the courts.
34 (3) Upon approval of a forbearance application pursuant to
35 subsection a. of this section, the commissioner shall notify the
36 applicant, the mortgage lender, and the courts.
37 f.² Sandy-impacted homeowners awarded a stay of foreclosure
38 proceedings or forbearance ², or both,² under this section shall be
39 responsible for the maintenance of the property during the stay or
40 period of forbearance ², or both². ¹[A] After service of notice of
41 any proceedings conducted to terminate forbearance, made on the
42 mortgagor at an address determined pursuant to due diligence of the
43 movant mortgagee or creditor to be the actual current residence of
44 the mortgagor, providing opportunity for the mortgagor to respond
45 and contest the proceedings, a¹ stay of foreclosure proceedings or
46 forbearance ², or both,² awarded under this section shall cease
47 immediately upon a court's determination that the subject

1 residential property has been abandoned by the Sandy-impacted
2 homeowner.

3 ²**[f.] g.**² Nothing in this section shall be construed as limiting
4 the ability of a mortgagee and residential property owner to
5 participate in a mediation sponsored by the Administrative Offices
6 of the Court in accordance with the requirements of the mediation
7 program. Nothing in this section shall be construed to impact
8 property tax and insurance obligations of a property owner related
9 to any real property in the State.

10

11 6. This act shall take effect immediately.

12

13

14

15

16 _____
17 Ensures project deadline fairness, enhances transparency, and
18 establishes foreclosure protection and mortgage relief program for
certain Superstorm Sandy-impacted homeowners.

ASSEMBLY, No. 333

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

Assemblyman Holley

SYNOPSIS

Ensures fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/19/2016)

A333 SINGLETON, QUIJANO

2

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5 of New Jersey:

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18 under a recovery and rebuilding program.

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33 the nature of a residential mortgage.

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35 provided by the federal government for the RREM and LMI
36 programs, which are intended to help individuals rebuild and
37 recover from Superstorm Sandy, the TBRA program, which is
38 intended to assist renters in returning to and residing in areas
39 impacted by Superstorm Sandy, and the FRM program, which is
40 intended to assist developers in repairing or replacing rental
41 housing units damaged or destroyed by Superstorm Sandy.

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43 Mitigation.

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45 October 29, 2012, occupied a home as his or her primary residence
46 that, as a result of Superstorm Sandy, sustained:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

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- 1 (1) damage of at least \$8,000, or
2 (2) more than one foot of water on the first floor as determined
3 by the Federal Emergency Management Agency.

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5 New Jersey on October 29, 2012.

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7 (cf: P.L.2015, c.102, s.2)

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19 they have requested assistance, based upon the department's past
20 experience administering funds through the RREM program and
21 LMI program. The timeline shall track the process of applying for
22 assistance from the RREM and LMI programs from the time an
23 applicant files his or her application with the department through
24 the completion of the project for which the applicant requested
25 assistance, and shall include:

26 (1) When the applicant should expect to receive 50 percent of
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28 applicant; and

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- 9 (5) an explanation of any decision to deny an application for aid,
10 and an explanation of how to remedy the application, when
11 possible, and continue the appeal process.
- 12 d. In the event the department denies an appeal by a RREM or
13 LMI applicant, the department shall refer the applicant to a housing
14 counselor who is certified by the federal Department of Housing
15 and Urban Development or is part of a program established by the
16 department to provide housing counseling to people impacted by
17 Superstorm Sandy.
- 18 e. Extend the one-year deadline for completing a project
19 following a RREM or LMI grant award date for any applicant who
20 demonstrates that the delay is the result of:
- 21 (1) the non-performance or non-availability of the contractor, or
22 (2) delays by the department in approving the contractor
23 associated with the project.
- 24 f. Maintain an appeals process for at least six months
25 following the effective date of P.L. c. (pending before the
26 Legislature as this bill), open to any applicant to the RREM
27 program who submitted an initial application by the deadline of
28 August 1, 2013, regardless of the reason the applicant had
29 previously withdrawn, or been denied or removed from the
30 application process.
- 31 (cf: P.L.2015, c.102, s.3)
- 32
- 33 3. Section 5 of P.L.2015, c.102 (C.52:15D-7) is amended to
34 read as follows:
- 35 5. a. Within 180 days of the effective date of P.L.2015, c.102
36 **[,]** (C.52:15D-3 et seq.), the department shall develop and maintain
37 an Internet website or webpage providing information concerning
38 recovery and rebuilding programs. At a minimum, the website
39 shall:
- 40 (1) Allow an applicant to a recovery and rebuilding program to
41 submit securely through the website a request for specific
42 information on the current status of his or her application for
43 assistance from a recovery and rebuilding program, to which the
44 department shall respond by phone or by email within two business
45 days.
- 46 (2) Provide a plain language explanation of every recovery and
47 rebuilding program, all requirements to apply for and receive

1 benefits, how to file appeals, and a description of the process
2 necessary to correct any deficiency with an application.

3 (3) Provide contact information for each builder in the qualified
4 contractor pool, including each builder's telephone number and
5 Internet website address, and identify any builders that have been
6 removed from the qualified contractor pool.

7 (4) Provide and update information regarding the expenditure of
8 recovery and rebuilding program funds and related contracts on the
9 Internet website on a monthly basis. A full and current explanation
10 of the criteria and process by which recovery and rebuilding
11 program applications are prioritized shall also appear on the
12 website. Changes to program policy, information on new contractor
13 awards, and the status of work performed pursuant to the contractor
14 awards shall be posted on the Internet website.

15 (5) Provide information on how all recovery and rebuilding
16 program funding has been and will be allocated on the Internet
17 website, including information about the allocation process for all
18 rounds of funding distribution; and:

19 (a) the total number of applications submitted for recovery and
20 rebuilding program funding;

21 (b) the number of applicants that have received 50 percent or
22 more of the recovery and rebuilding program grant money that the
23 department has awarded them;

24 (c) the number of applicants that have received 100 percent of
25 the recovery and rebuilding program grant money that the
26 department has awarded them;

27 (d) the number of applicants that have completed recovery and
28 rebuilding program-funded construction or elevation projects in
29 compliance with local, State, and federal building codes and
30 regulations; and

31 (e) the number of applicants that have received a final
32 certificate of occupancy and grant closeout.

33 b. The department shall develop and publish on the Internet
34 website a description of how it developed the timelines for the
35 disbursement of recovery and rebuilding program assistance
36 developed pursuant to sections 3, 7, and 8 of P.L.2015, c.102 **[,]**
37 (C.52:15D-3 et seq.). The department shall allow an applicant to
38 request his or her individualized timeline for the disbursement of
39 program funding, developed pursuant to sections 3, 7, and 8 of
40 P.L.2015, c.102 **[,]** (C.52:15D-3 et seq.), through the website, to
41 which the department shall respond by phone or by email within
42 two business days.

43 c. The department shall publish on the Internet website its
44 quarterly goals for the disbursement of recovery and rebuilding
45 program assistance developed pursuant to section 4 of P.L.2015,
46 c.102 **[,]** (C.52:15D-3 et seq.).

47 d. The department shall publish on the Internet website the
48 commissioner's report on the use of Community Development

1 Block Grant Disaster Recovery funds and other funds that may be
2 available for similar purposes for interim assistance submitted to
3 the Governor and Legislature pursuant to section 6 of P.L.2015,
4 c.102 **[,]** (C.52:15D-3 et seq.).

5 e. In addition to publishing the information as required in
6 **[subsections a. through d. of]** this section, the department may
7 distribute the information by any other method it deems
8 appropriate.

9 f. (1) By the first day of the sixth month next following
10 enactment of P.L. c. (pending before the Legislature as this
11 bill), the department shall publicly report:

12 (a) The reason for each application denial and wait-list
13 placement from the RREM, TBRA, and LMI programs since the
14 beginning of the recovery effort;

15 (b) After conducting a reasonable effort to contact withdrawn
16 applicants, the reason for each withdrawal by an applicant from the
17 RREM, TBRA, and LMI programs since the beginning of the
18 recovery effort; and

19 (c) Concerning application denials, wait-list placements, and
20 withdrawals from the RREM, TBRA, and LMI programs since the
21 beginning of the recovery effort, information on where the
22 associated funding has been allocated.

23 (2) On a quarterly basis, beginning with the enactment of
24 P.L. c. (pending before the Legislature as this bill), and
25 continuing through the end of 2018, the department shall publicly
26 report:

27 (a) The reason for each new application denial and wait-list
28 placement from the RREM, TBRA, and LMI programs;

29 (b) After conducting a reasonable effort to contact withdrawn
30 applicants, the reason for each new withdrawal by an applicant from
31 the RREM, TBRA, and LMI programs; and

32 (c) Concerning new application denials, wait-list placements,
33 and withdrawals from the RREM, TBRA, and LMI programs,
34 information on where the associated funding is instead being
35 allocated.

36 (cf: P.L.2015, c.102, s.5)

37

38 4. Section 7 of P.L.2015, c.102 (C.52:15D-9) is amended to
39 read as follows:

40 7. Within 60 days of the effective date of P.L.2015, c.102 **[,]**
41 (C.52:15D-3 et seq.), the department shall:

42 a. Provide each applicant to the TBRA program with a timeline
43 setting forth a general estimation of the time in which an applicant
44 can expect to receive assistance through the TBRA program, based
45 upon the department's past experience administering funds through
46 the TBRA program. The timeline shall track the process of
47 applying for assistance from the TBRA program from the time an
48 applicant files his or her application.

1 b. Provide each applicant to the TBRA program with
2 information about the status of his or her individual application,
3 including;

- 4 (1) the date on which the department received the application;
5 (2) a list of all required documents or other verifications
6 submitted by the applicant related to the application and the date on
7 which the department received each document; and
8 (3) a list of all documents or other verifications which still need
9 to be submitted by the applicant in order to complete the TBRA
10 application and the date on which each item must be received.

11 c. Upon request from an applicant to the TBRA program
12 appealing a decision to deny the applicant benefits under the
13 program, provide to the applicant information about the status of his
14 or her appeal, including:

- 15 (1) the date on which the applicant filed the appeal;
16 (2) all pending reviews of the appeal and the date of any
17 upcoming hearings related to the appeal;
18 (3) the department's final determination, if one is made as of the
19 date the request for information is fulfilled, or otherwise the date on
20 which the applicant can expect that the department will make a final
21 determination concerning the appeal; **[and]**
22 (4) a list of all documents related to the appeal and the date on
23 which each document was filed ; and
24 (5) an explanation for any decision to deny an application for
25 aid, and, if eventual approval is still possible, an explanation for
26 ways to remedy the application.

27 d. In the event the department denies an appeal by a TBRA
28 applicant, the department shall refer the applicant to a housing
29 counselor who is certified by the federal Department of Housing
30 and Urban Development or is part of a program established by the
31 department to provide housing counseling to people impacted by
32 Superstorm Sandy.

33 (cf: P.L.2015, c.102, s.7)

34

35 5. (New section) a. A Sandy-impacted homeowner shall be
36 eligible for a forbearance if payments due under a mortgage were
37 current as of August 10, 2015, the effective date of P.L.2015, c.102
38 (C.52:15D-3 et seq.). The Sandy-impacted homeowner shall apply
39 to the commissioner, on forms to be provided by the department, for
40 a certification of eligibility for the forbearance under this subsection
41 before the first day of the fifth month next following the effective
42 date of P.L. , c. (pending before the Legislature as this bill).
43 The commissioner shall approve or deny an application within 30
44 days of its delivery to the commissioner. If the application is not
45 approved or denied within 30 days of its delivery, the application
46 shall be deemed approved.

47 b. Notwithstanding the provisions of any law, rule, or
48 regulation to the contrary, the repayment period of any mortgage

1 subject to the forbearance established in subsection a. of this section
2 shall be extended by the number of months the forbearance is in
3 effect. During the time of the forbearance and during the period
4 constituting an extension of the mortgage, the interest rate shall be
5 the same rate as agreed upon in the original mortgage, and there
6 shall be no fees assessed for the forbearance, or penalty for early
7 repayment.

8 c. A Sandy-impacted homeowner who was the subject of a
9 foreclosure proceeding as of August 10, 2015, the effective date of
10 P.L.2015, c.102 (C.52:15D-3 et seq.) shall, upon good cause shown,
11 be awarded, by the court and upon application by the property
12 owner, a stay in the foreclosure proceedings until November 1,
13 2018. An application to the court by a property owner under this
14 subsection shall be made before the first day of the fifth month next
15 following the effective date of P.L. , c. (pending before the
16 Legislature as this bill).

17 d. The commissioner shall notify as many Sandy-impacted
18 homeowners as is reasonably possible of eligibility for a
19 forbearance or stay of foreclosure proceedings prior to the first day
20 of the second month next following effective date of P.L. ,
21 c. (pending before the Legislature as this bill).

22 e. Sandy-impacted homeowners awarded a stay of foreclosure
23 proceedings or forbearance under this section shall be responsible
24 for the maintenance of the property during the stay or period of
25 forbearance. A stay of foreclosure proceedings or forbearance
26 awarded under this section shall cease immediately upon a court's
27 determination that the subject residential property has been
28 abandoned by the Sandy-impacted homeowner.

29 f. Nothing in this section shall be construed as limiting the
30 ability of a mortgagee and residential property owner to participate
31 in a mediation sponsored by the Administrative Offices of the Court
32 in accordance with the requirements of the mediation program.
33 Nothing in this section shall be construed to impact property tax
34 and insurance obligations of a property owner related to any real
35 property in the State.

36
37 6. This act shall take effect immediately.
38

39

40 STATEMENT

41

42 This bill ensures the fairness of project deadlines, enhances
43 transparency, and creates foreclosure protections for Superstorm
44 Sandy victims.

45 The bill requires the Department of Community Affairs ("DCA")
46 to extend the deadline for project completion following a RREM or
47 LMI grant award date for any applicant who demonstrates that the

1 delay has resulted from certain faults of the builder, or delays by
2 DCA in approving the builder associated with the project.

3 Upon any decision to deny an application for aid under either the
4 TBRA, LMI, or RREM program, this bill requires DCA to provide
5 the applicant with an explanation for the denial, and an explanation
6 for ways to remedy the application. The bill gives DCA the
7 responsibility to publicly report the reason for each application
8 denial, wait-list placement, and withdrawal from the RREM,
9 TBRA, and LMI programs since the beginning of the recovery
10 effort, and to report the reasons for new denials, wait-list
11 placements, and withdrawals on a quarterly basis through 2018.
12 Concerning withdrawn applications, the public reporting
13 requirements shall apply only after DCA has conducted a
14 reasonable effort to contact the withdrawn applicant.

15 The bill also requires DCA to publicly report on where all
16 funding associated with application denials, wait-list placements,
17 and withdrawals has instead been allocated. The bill applies this
18 requirement to all application denials, wait-list placements, and
19 withdrawals since the beginning of the recovery effort, and requires
20 ongoing reporting on a quarterly basis through the end of 2018.

21 The bill requires DCA to maintain a RREM appeals process for
22 at least six months following the bill's effective date. The appeals
23 process shall be open to any applicant to the RREM program who
24 submitted an initial application by the deadline of August 1, 2013,
25 regardless of the reason the applicant had been denied or removed
26 from the application process.

27 Finally, in order to address the economic crisis that many
28 families continue to experience as a result of Superstorm Sandy,
29 this bill offers temporary protections against foreclosure to certain
30 Sandy victims. Under the bill, homeowners who are not in
31 foreclosure, and who sustained at least \$8,000 worth of damage, or
32 over one foot of water on the first floor as a result of the storm, will
33 be authorized to apply to DCA for a certificate of eligibility for
34 mortgage forbearance. The forbearance would establish a time
35 period, ending November 1, 2018, during which the homeowner
36 would not be responsible for mortgage payments. The term of the
37 mortgage would automatically extend, under the same terms, for the
38 number of months the mortgage is in forbearance.

39 Homeowners who are already in foreclosure litigation, and
40 sustained at least \$8,000 worth of damage, or over one foot of water
41 on the first floor as a result of the storm, will be authorized to apply
42 to the court for a stay of proceedings, also to end November 1,
43 2018.

44 Any homeowner who is awarded a forbearance or a stay of
45 foreclosure proceedings will continue to be responsible for property
46 taxes, insurance, and general property maintenance.

ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 333

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2016

The Assembly Housing and Community Development Committee reports favorably and with committee amendments Assembly Bill No. 333.

As amended by the committee, this bill ensures the fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

The bill requires the Department of Community Affairs (“DCA”) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation and Mitigation (“RREM”) or Low-to-Moderate Income (“LMI”) program grant award date for any applicant who demonstrates that the delay has resulted from certain faults of the builder, or delays by DCA in approving the builder associated with the project.

Upon any decision to deny an application for aid under either the Tenant-Based Rental Assistance (“TBRA”), LMI, or RREM program, this bill requires DCA to provide the applicant with an explanation for the denial, and an explanation for ways to remedy the application. The bill gives DCA the responsibility to publicly report the reason for each application denial, wait-list placement, and withdrawal from the RREM, TBRA, and LMI programs since the beginning of the recovery effort, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. Concerning withdrawn applications, the public reporting requirements shall apply only after DCA has conducted a reasonable effort to contact the withdrawn applicant.

The bill also requires DCA to publicly report on where all funding associated with application denials, wait-list placements, and withdrawals has instead been allocated. The bill applies this requirement to all application denials, wait-list placements, and withdrawals since the beginning of the recovery effort, and requires ongoing reporting on a quarterly basis through the end of 2018.

The bill requires DCA to maintain a RREM appeals process for at least six months following the bill’s effective date. The appeals process shall be open to any applicant to the RREM program who

submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

Finally, as amended, in order to address the economic crisis that many families continue to experience as a result of Superstorm Sandy, this bill offers temporary protections against foreclosure to certain Sandy victims. Under the bill, homeowners who are not in foreclosure, and who sustained at least \$8,000 worth of damage, or over one foot of water on the first floor as a result of the storm, will be authorized to apply to DCA for a certificate of eligibility for mortgage forbearance. The forbearance would establish a time period, ending November 1, 2018, during which the homeowner would not be responsible for principal or interest payments on the mortgage. The term of the mortgage would automatically extend, under the same terms, for the number of months the mortgage is in forbearance.

As amended, homeowners who are already in foreclosure litigation, and sustained at least \$8,000 worth of damage, or over one foot of water on the first floor as a result of the storm, as determined by RREM and LMI program procedures, will be authorized to apply to the court for a stay of proceedings, also to end November 1, 2018.

As amended, any homeowner who is awarded a forbearance or a stay of foreclosure proceedings will continue to be responsible for property taxes, insurance, and general property maintenance. So long as the homeowner is first offered sufficient notice, a forbearance may be terminated upon a court determination that the homeowner has abandoned the property.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

These committee amendments accomplish the following:

- Amend section 1 to allow RREM and LMI program procedures, instead of FEMA decisions, to determine the water height necessary for a homeowner to qualify as a “Sandy-impacted homeowner,” and thereby obtain eligibility for a mortgage forbearance;
- Amend subsection b. of section 5 to clarify that Sandy-impacted homeowners will not be responsible for principal *or* interest payments during the forbearance period, and that other terms and conditions of the original mortgage, except with regard to default and delinquency, will continue without modification; and
- Amend subsection e. of section 5 to ensure that the Sandy-impacted homeowner is given sufficient notice prior to any proceeding that may result in mortgage forbearance termination due to property abandonment.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 333

STATE OF NEW JERSEY

DATED: OCTOBER 13, 2016

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 333 (2R).

As previously amended in the General Assembly, this bill ensures the fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

The bill requires the Department of Community Affairs (“DCA”) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation and Mitigation (“RREM”) or Low-to-Moderate Income (“LMI”) program grant award date for any applicant who demonstrates that the delay has resulted from certain faults of the builder, or delays by DCA in approving the builder associated with the project.

Upon any decision to deny an application for aid under either the Tenant-Based Rental Assistance (“TBRA”), LMI, or RREM program, this bill requires DCA to provide the applicant with an explanation for the denial and an explanation for ways to remedy the application. The bill gives DCA the responsibility to publicly report the reason for each application denial, wait-list placement, and withdrawal from the RREM, TBRA, and LMI programs since the beginning of the recovery effort, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. Concerning withdrawn applications, the public reporting requirements shall apply only after DCA has conducted a reasonable effort to contact the withdrawn applicant.

The bill also requires DCA to publicly report on where all funding associated with application denials, wait-list placements, and withdrawals has instead been allocated. The bill applies this requirement to all application denials, wait-list placements, and withdrawals since the beginning of the recovery effort, and requires ongoing reporting on a quarterly basis through the end of 2018.

The bill requires DCA to maintain a RREM appeals process for at least six months following the bill’s effective date. The appeals process shall be open to any applicant to the RREM program who submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

Finally, in order to address the economic crisis that many families continue to experience as a result of Superstorm Sandy, this bill offers temporary protections against foreclosure to certain Sandy victims.

Any homeowner who is awarded a forbearance or a stay of foreclosure proceedings will continue to be responsible for property taxes, insurance, and general property maintenance. So long as the homeowner is first offered sufficient notice, a forbearance may be terminated upon a court determination that the homeowner has abandoned the property.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 333

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 2016

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 333 (2R).

This bill ensures the fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

The bill requires the Department of Community Affairs (“DCA”) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation and Mitigation (“RREM”) or Low-to-Moderate Income (“LMI”) program grant award date for any applicant who demonstrates that the delay has resulted from certain faults of the builder, or delays by DCA in approving the builder associated with the project.

Upon any decision to deny an application for aid under either the Tenant-Based Rental Assistance (“TBRA”), LMI, or RREM program, this bill requires DCA to provide the applicant with an explanation for the denial and an explanation for ways to remedy the application. The bill gives DCA the responsibility to publicly report the reason for each application denial, wait-list placement, and withdrawal from the RREM, TBRA, and LMI programs since the beginning of the recovery effort, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. Concerning withdrawn applications, the public reporting requirements shall apply only after DCA has conducted a reasonable effort to contact the withdrawn applicant.

The bill also requires DCA to publicly report on where all funding associated with application denials, wait-list placements, and withdrawals has instead been allocated. The bill applies this requirement to all application denials, wait-list placements, and withdrawals since the beginning of the recovery effort, and requires ongoing reporting on a quarterly basis through the end of 2018.

The bill requires DCA to maintain a RREM appeals process for at least six months following the bill’s effective date. The appeals process shall be open to any applicant to the RREM program who submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

Finally, in order to address the economic crisis that many families continue to experience as a result of Superstorm Sandy, this bill offers temporary protections against foreclosure to certain Sandy victims.

Any homeowner who is awarded a forbearance or a stay of foreclosure proceedings will continue to be responsible for property taxes, insurance, and general property maintenance. So long as the homeowner is first offered sufficient notice, a forbearance may be terminated upon a court determination that the homeowner has abandoned the property.

As reported, this bill is identical to Senate Bill No. 2300 (1R) as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services has determined that the bill would have an indeterminate impact on State finances. The State may incur additional expenditures with new reporting and notification requirements established by the bill. The State maintains several websites through which it provides a wide array of information concerning recovery and rebuilding programs and policies. The DCA could post any new reports required by the bill on any of these websites. Changes to the pace at which LMI and RREM funds are expended will not affect State revenues and expenditures.

The bill allows Sandy-impacted homeowners to apply for mortgage forbearance and, if their property is in foreclosure, a stay of foreclosure proceedings. Approximately 70,000 households would be eligible to apply for mortgage forbearance and a stay of foreclosure proceedings (7,995 eligible LMI and RREM participants and 61,441 recipients of FEMA housing assistance). The OLS cannot predict how many homeowners will apply for mortgage forbearance or a stay of foreclosure proceedings. The potential number of applicants represents a projection of the total number of applications that would be eligible to apply for mortgage forbearance and a stay of foreclosure proceedings. It is not an estimate of the number of Sandy-impacted homeowners that will apply for mortgage relief or be approved for mortgage relief by either the Commissioner of Community Affairs or the Judiciary.

It is possible that a homeowner could receive mortgage forbearance until July 1, 2019. This period of protection against the sale, foreclosure, or seizure of a property will allow mortgage loans issued by the New Jersey Housing and Mortgage Finance Company (NJHMFA) to go unpaid for about two years. If the NJHMFA receives insufficient mortgage payments for the purpose of servicing related mortgage revenue bonds, it will be required to use other funds to make scheduled mortgage payments. Any additional funds expended by the NJHMFA may be recovered as mortgagors (borrowers) become current in their payments or the property is sold through the foreclosure process.

STATEMENT TO
[First Reprint]
ASSEMBLY No. 333

with Assembly Floor Amendments
(Proposed by Assemblyman SINGLETON)

ADOPTED: JUNE 27, 2016

These Assembly amendments narrow the potential field of applicants for a mortgage obligation forbearance or stay of foreclosure proceedings permitted under the bill to homeowners who have either been approved for assistance through the RREM or LMI program, or have received rental assistance from FEMA as a result of damage to their primary residence due to Superstorm Sandy. Previously, the bill had allowed this relief to homeowners who sustained at least \$8,000 worth of damage, or over one foot of water on the first floor as a result of the storm, as determined by RREM and LMI program procedures.

These amendments also change the timeframe of the mortgage obligation forbearance and stay of foreclosure proceedings to the earlier of:

- the end of one year following issuance of a certificate of occupancy for recovery and rebuilding program work;
- July 1, 2019; or
- regarding a property in foreclosure proceedings, upon the expiration of 10 days following sheriff's sale.

Previously, the bill permitted this relief to be available until November 1, 2018. The amendments also replace a five-month deadline from the bill's enactment to apply for the forbearance with a three-month deadline from application availability. With respect to applications for a stay of foreclosure proceedings, the amendments retain the five-month deadline, but permit the courts to extend this timeframe in their discretion.

These amendments also allow Sandy-impacted homeowners who are already in foreclosure to apply for the same forbearance relief that the bill permits other Sandy-impacted homeowners to apply for, in addition to the stay of foreclosure proceedings. This allows Sandy-impacted homeowners in foreclosure to pause the obligation to make monthly mortgage payments, thus limiting growth in the amount necessary for the homeowner to redeem the property and remain in the home.

These amendments clarify that the receipt of rental assistance from the Federal Emergency Management Agency as a result of damage to the homeowner's primary residence due to Superstorm Sandy, or approval for assistance through the RREM or LMI program, shall constitute good cause for the award of a stay of foreclosure proceedings under the bill.

These amendments also enhance the bill's notification requirements. As amended, by the first day of the second month next following the bill's enactment, in addition to notifying as many Sandy-impacted homeowners as is reasonably possible of eligibility for a forbearance or stay of foreclosure proceedings DCA is also responsible for:

- posting information on eligibility and the application process for the forbearance and stay of foreclosure proceedings, and make forbearance applications available, on its Internet website;
- notifying the courts of what individuals and associated properties are eligible for a forbearance or stay of foreclosure proceedings; and
- to the greatest extent reasonably possible, notifying the State's active mortgage lenders of what individuals and associated properties are eligible for a forbearance or stay of foreclosure proceedings.

The amendments also require that, upon knowledge of a homeowner's eligibility for a forbearance or stay of foreclosure proceedings, the mortgage lender shall notify the homeowner and the courts. Additionally, upon approval of a forbearance application, the amendments require DCA to notify the applicant, the mortgage lender, and the courts.

Finally, these amendments make technical corrections to subsection e. of section 5 of the bill.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 333

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JULY 11, 2016

SUMMARY

- Synopsis:** Ensures project deadline fairness, enhances transparency, and establishes foreclosure protection and mortgage relief program for certain Superstorm Sandy-impacted homeowners.
- Type of Impact:** Indeterminate impact on State finances.
- Agencies Affected:** Department of Community Affairs, New Jersey Housing and Mortgage Finance Agency (NJHMFA) and the Judiciary

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Impact – See comments below		

- The Office of Legislative Services (OLS) has determined that the enactment of Assembly Bill No. 333 (2R) would have an indeterminate impact on State finances. The State may incur additional expenditures associated with new reporting and notification requirements established by the bill.
- Approximately 70,000 homeowners would become eligible to apply for mortgage forbearance or a stay of foreclosure proceedings. Information on the number of primary residences in foreclosure that are owned by Sandy-impacted homeowners is not available at this time.
- If the New Jersey Housing and Mortgage Finance Agency (NJHMFA) receives insufficient mortgage payments for the purpose of servicing related mortgage revenue bonds, it will be required to use other funds to make scheduled mortgage payments. Any additional funds expended by the NJHMFA may be recovered as mortgagors (borrowers) become current in their payments or if the property is sold through the foreclosure process.

BILL DESCRIPTION

Assembly Bill No. 333 (2R) of 2016 amends current laws governing the expenditure of federal Community Development Block Grant-Disaster Recovery (CDBG-DR) funds awarded to

New Jersey following Superstorm Sandy and establishes a mortgage relief program for certain Superstorm Sandy-impacted homeowners. The bill requires the Department of Community Affairs (DCA) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM) or Low-to-Moderate Income Homeowners Rebuilding Program (LMI) grant award date for any applicant who demonstrates that the delay has result from certain faults of the builder or delays by the DCA in approving the builder associated with the project. The bill also requires the DCA to provide any applicant denied aid under the LMI, RREM, and Tenant-Based Rental Assistance (TBRA) with an explanation for the denial of assistance and an explanation of how their application may be remedied.

The bill requires the DCA to report the reason for each application denial, wait-list placement, and withdrawal from LMI, RREM, and TBRA since the beginning of the State's recovery efforts, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. The public reporting requirements for program withdrawals apply only after the DCA has conducted a reasonable effort to contact the withdrawn applicant. The bill requires the DCA to publicly report, on a quarterly basis through 2018, where all funding associated with application denials, wait-list placements, and withdrawals since the beginning of the recovery effort has instead been allocated. The bill requires the DCA to maintain a RREM appeals process for at least six months following the bill's effective date. The appeals process is open to any application who submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

The bill also offers temporary protections against foreclosure to certain Superstorm Sandy victims. Homeowners who have either been approved for assistance through the RREM or LMI programs or have received rental assistance through the Federal Emergency Management Agency (FEMA) as result of damage to their primary residence due to Superstorm Sandy may apply to the DCA for a certificate of eligibility for mortgage forbearance. Mortgage forbearance applications must be filed no later than three months after the application is made available by the Commissioner of Community Affairs. An application must be approved or denied within 30 days of its delivery to the commissioner. If no action is taken within the 30-day approval period, the application is deemed approved. The forbearance period concludes upon the earlier of: (1) the conclusion of one year following the issuance of a certificate of occupancy for recovery and rebuilding program work; (2) July 1, 2019; or (3) regarding a property in foreclosure proceedings, upon the expiration of 10 days following sheriff's sale.

The amended bill allows Sandy-impacted homeowners who are already in foreclosure to apply for the same mortgage forbearance relief in addition to a stay of the foreclosure proceedings. The bill provides that the receipt of rental assistance from FEMA or assistance through the LMI and RREM programs constitutes good cause for the award of a stay of foreclosure proceedings. The stay concludes upon the earlier of: (1) the conclusion of one year following issuance of a certificate of occupancy for recovery and rebuilding program work or (2) July 1, 2019. The bill requires the DCA to notify as many Sandy-impacted homeowners as reasonably possible of their eligibility to apply for mortgage forbearance or a stay of foreclosure proceedings.

Finally, the bill requires the DCA to post information on eligibility and the application process for the forbearance and stay of foreclosure proceedings, and make forbearance applications available on its Internet website, and also notify the courts and the State's active mortgage lenders of which individuals and associated properties are eligible for forbearance or stay of foreclosure proceedings. Any homeowner who is awarded forbearance or a stay of foreclosure proceedings is responsible for the payment of property taxes and insurance and

general property maintenance. So long as the homeowner is first offered sufficient notice, forbearance may be terminated upon a court determination that the homeowner has abandoned the property.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that the enactment of Assembly Bill No. 333 (2R) would have an indeterminate impact on State finances. The State may incur additional expenditures associated with new reporting and notification requirements established by the bill. The State maintains several websites through which it provides a wide array of information concerning recovery and rebuilding programs and policies. The DCA could post any new reports required by the bill on any of these websites. Changes to the pace at which LMI and RREM funds are expended will not affect State revenues and expenditures. New Jersey has allocated \$1.462 billion in CDBG-DR funds (35 percent of the State's total award) to the LMI, RREM, and TBRA programs; of that amount, \$1.028 billion has been expended. The OLS notes that federal regulations require all CDBG-DR to be committed by September 30, 2017 and expended by September 30, 2019. According to program expenditure forecasts available through the www.renewjerseystronger.org, all LMI, RREM, and TBRA funds will be expended by the end of Fiscal Year 2018 (June 30, 2018).

The OLS notes that the bill requires the DCA to re-open the RREM appeals process for a period of at least six months following the effective date of the bill. The appeals process would be open to any RREM Program applicant who submitted an application for assistance by August 1, 2013, regardless of the reason the applicant had withdrawn, was denied RREM assistance, or was removed from the program. The RREM Program Guidelines required applicants to appeal their ineligibility determination in writing within 30 days of receipt of their ineligibility letter. The State provided a second appeal period in February and March of 2014 for those applicants who were deemed ineligible for RREM assistance but did not file an appeal within 30 days of receipt of their ineligibility determination. During the Fiscal Year 2017 budget process, the DCA indicated that 7,623 RREM applicants have withdrawn from the program or were determined to be ineligible for assistance.

The bill allows Sandy-impacted homeowners to apply for mortgage forbearance and, if their property is in foreclosure, a stay of foreclosure proceedings. Assembly Bill No. 333 (2R) defines a "Sandy-impacted homeowner" as a homeowner who either received rental assistance from FEMA due to damage to their primary residence caused by Superstorm Sandy or has been approved for assistance through the LLMI or RREM programs. Approximately 70,000 households would be eligible to apply for mortgage forbearance and a stay of foreclosure proceedings (8,044 eligible LMI and RREM participants and 61,441 recipients of FEMA housing assistance). The OLS cannot predict how many homeowners will apply for mortgage forbearance or a stay of foreclosure proceedings.

If Assembly Bill No. 333 (2R) is enacted into law, it is possible that a homeowner could receive mortgage forbearance until July 1, 2019. This period of protection against the sale,

foreclosure, or seizure of a property will allow mortgage loans issued by the NJHMFA to go unpaid for about two years. NJHMFA projects are usually supported by mortgage revenue bonds. Mortgage revenue bonds are secured by mortgages and mortgage loan repayments on single-family homes. Either all, or a portion of, the principal and interest payments on a home mortgage is used to make payments to NJHMFA bondholders. If the mortgage payments are not sufficient to fully fund those amounts owed to bondholders, the NJHMFA would be required to use other moneys (such as surplus, funds designated for other programs, or funds held in a debt service reserve) to make scheduled bond payments. Any additional funds expended by the NJHMFA may be recovered as mortgagors become current in their payments or if their property is sold through the foreclosure process. The mortgage forbearance period proposed by the bill could provide certain borrowers sufficient time to address financial concerns and avoid the foreclosure process.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2300

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 6, 2016

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator JENNIFER BECK

District 11 (Monmouth)

SYNOPSIS

Ensures fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/14/2016)

S2300 STACK, BECK

2

1 AN ACT concerning Superstorm Sandy recovery, and amending and
2 supplementing P.L.2015, c.102.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2015, c.102 **[,]** (C.52:15D-4) is amended to
8 read as follows:

9 2. As used in P.L.2015, c.102 (C.52:15D-3 et seq.), as amended
10 and supplemented:

11 "Agency" means the New Jersey Housing and Mortgage Finance
12 Agency established pursuant to section 4 of P.L.1983, c.530
13 (C.55:14K-4).

14 "Applicant" means an individual or business that has applied for,
15 is waiting for, or is receiving benefits under a recovery and
16 rebuilding program, and shall include individuals who are awaiting
17 the completion of a construction project using benefits received
18 under a recovery and rebuilding program.

19 "Commissioner" means the Commissioner of Community
20 Affairs.

21 "Department" means the Department of Community Affairs.

22 "Forbearance" means a period, ending November 1, 2018, during
23 which obligations for mortgage and interest payments are
24 suspended.

25 "FRM" means the Fund for Restoration of Multifamily Housing.

26 "Qualified contractor pool" means a listing of contractors
27 approved by the Department of Community Affairs participating in
28 the RREM program.

29 "LMI" means Low-to-Moderate Income and the program for
30 which policies and procedures have been adopted by the
31 Department of Community Affairs.

32 "Mortgage" means a mortgage, trust deed, or other security in
33 the nature of a residential mortgage.

34 "Recovery and rebuilding program" means the use of funding
35 provided by the federal government for the RREM and LMI
36 programs, which are intended to help individuals rebuild and
37 recover from Superstorm Sandy, the TBRA program, which is
38 intended to assist renters in returning to and residing in areas
39 impacted by Superstorm Sandy, and the FRM program, which is
40 intended to assist developers in repairing or replacing rental
41 housing units damaged or destroyed by Superstorm Sandy.

42 "RREM" means Reconstruction, Rehabilitation, Elevation and
43 Mitigation.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 “Sandy-impacted homeowner” means a homeowner who, as of
2 October 29, 2012, occupied a home as his or her primary residence
3 that, as a result of Superstorm Sandy, sustained:

4 (1) damage of at least \$8,000, or

5 (2) more than one foot of water on the first floor as determined
6 pursuant to the applicable RREM and LMI policies and procedures.

7 “Superstorm Sandy” means the major storm that made landfall in
8 New Jersey on October 29, 2012.

9 "TBRA" means Tenant-Based Rental Assistance.

10 (cf: P.L.2015, c.102, s.2)

11
12 2. Section 3 of P.L.2015, c.102 (C.52:15D-5) is amended to
13 read as follows:

14 3. Within 60 days of the effective date of **【P.L.2015, c.102,**
15 **(C.52:15D-3 et seq.)】** P.L. c. (pending before the Legislature as
16 this bill), the department shall:

17 a. Provide each applicant to the RREM and LMI program with
18 a personal timeline setting forth a general estimation of the time in
19 which an applicant can expect to receive assistance through the
20 RREM program and LMI program and a reasonable estimate of
21 when the applicant can expect completion of the project for which
22 they have requested assistance, based upon the department's past
23 experience administering funds through the RREM program and
24 LMI program. The timeline shall track the process of applying for
25 assistance from the RREM and LMI programs from the time an
26 applicant files his or her application with the department through
27 the completion of the project for which the applicant requested
28 assistance, and shall include:

29 (1) When the applicant should expect to receive 50 percent of
30 the RREM grant money that the department has awarded the
31 applicant; and

32 (2) When the applicant should expect to receive 100 percent of
33 the RREM and LMI grant money that the department has awarded
34 the applicant.

35 b. Provide each applicant to the RREM program and LMI
36 program with information about the status of his or her individual
37 application, including:

38 (1) the date on which the department received the application;

39 (2) a list of all required documents or other verifications
40 submitted by the applicant related to the application and the date on
41 which the department received each document; and

42 (3) a list of all documents or other verifications which still need
43 to be submitted by the applicant in order to complete the RREM
44 application and LMI application and the date on which each item
45 must be received.

46 c. Upon request from an applicant to the RREM program and
47 LMI program appealing a decision to deny the applicant benefits

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1 under the program, provide to the applicant information about the
2 status of his or her appeal, including:

- 3 (1) the date on which the applicant filed the appeal;
4 (2) all pending reviews of the appeal and the date of any
5 upcoming hearings related to the appeal;
6 (3) the department's final determination, if one is made as of the
7 date the request for information is fulfilled, or otherwise the date on
8 which the applicant can expect that the department will make a final
9 determination concerning the appeal; **[and]**
10 (4) a list of all documents related to the appeal and the date on
11 which each document was filed ; and
12 (5) an explanation of any decision to deny an application for aid,
13 and an explanation of how to remedy the application, when
14 possible, and continue the appeal process.

15 d. In the event the department denies an appeal by a RREM or
16 LMI applicant, the department shall refer the applicant to a housing
17 counselor who is certified by the federal Department of Housing
18 and Urban Development or is part of a program established by the
19 department to provide housing counseling to people impacted by
20 Superstorm Sandy.

21 e. Extend the one-year deadline for completing a project
22 following a RREM or LMI grant award date for any applicant who
23 demonstrates that the delay is the result of:

- 24 (1) the non-performance or non-availability of the contractor, or
25 (2) delays by the department in approving the contractor
26 associated with the project.

27 f. Maintain an appeals process for at least six months
28 following the effective date of P.L. c. (pending before the
29 Legislature as this bill), open to any applicant to the RREM
30 program who submitted an initial application by the deadline of
31 August 1, 2013, regardless of the reason the applicant had
32 previously withdrawn, or been denied or removed from the
33 application process.

34 (cf: P.L.2015, c.102, s.3)

35
36 3. Section 5 of P.L.2015, c.102 (C.52:15D-7) is amended to
37 read as follows:

38 5. a. Within 180 days of the effective date of P.L.2015, c.102
39 **[,]** (C.52:15D-3 et seq.), the department shall develop and maintain
40 an Internet website or webpage providing information concerning
41 recovery and rebuilding programs. At a minimum, the website
42 shall:

- 43 (1) Allow an applicant to a recovery and rebuilding program to
44 submit securely through the website a request for specific
45 information on the current status of his or her application for
46 assistance from a recovery and rebuilding program, to which the
47 department shall respond by phone or by email within two business
48 days.

1 (2) Provide a plain language explanation of every recovery and
2 rebuilding program, all requirements to apply for and receive
3 benefits, how to file appeals, and a description of the process
4 necessary to correct any deficiency with an application.

5 (3) Provide contact information for each builder in the qualified
6 contractor pool, including each builder's telephone number and
7 Internet website address, and identify any builders that have been
8 removed from the qualified contractor pool.

9 (4) Provide and update information regarding the expenditure of
10 recovery and rebuilding program funds and related contracts on the
11 Internet website on a monthly basis. A full and current explanation
12 of the criteria and process by which recovery and rebuilding
13 program applications are prioritized shall also appear on the
14 website. Changes to program policy, information on new contractor
15 awards, and the status of work performed pursuant to the contractor
16 awards shall be posted on the Internet website.

17 (5) Provide information on how all recovery and rebuilding
18 program funding has been and will be allocated on the Internet
19 website, including information about the allocation process for all
20 rounds of funding distribution; and:

21 (a) the total number of applications submitted for recovery and
22 rebuilding program funding;

23 (b) the number of applicants that have received 50 percent or
24 more of the recovery and rebuilding program grant money that the
25 department has awarded them;

26 (c) the number of applicants that have received 100 percent of
27 the recovery and rebuilding program grant money that the
28 department has awarded them;

29 (d) the number of applicants that have completed recovery and
30 rebuilding program-funded construction or elevation projects in
31 compliance with local, State, and federal building codes and
32 regulations; and

33 (e) the number of applicants that have received a final
34 certificate of occupancy and grant closeout.

35 b. The department shall develop and publish on the Internet
36 website a description of how it developed the timelines for the
37 disbursement of recovery and rebuilding program assistance
38 developed pursuant to sections 3, 7, and 8 of P.L.2015, c.102 **[,]**
39 (C.52:15D-3 et seq.). The department shall allow an applicant to
40 request his or her individualized timeline for the disbursement of
41 program funding, developed pursuant to sections 3, 7, and 8 of
42 P.L.2015, c.102 **[,]** (C.52:15D-3 et seq.), through the website, to
43 which the department shall respond by phone or by email within
44 two business days.

45 c. The department shall publish on the Internet website its
46 quarterly goals for the disbursement of recovery and rebuilding
47 program assistance developed pursuant to section 4 of P.L.2015,
48 c.102 **[,]** (C.52:15D-3 et seq.).

1 d. The department shall publish on the Internet website the
2 commissioner's report on the use of Community Development
3 Block Grant Disaster Recovery funds and other funds that may be
4 available for similar purposes for interim assistance submitted to
5 the Governor and Legislature pursuant to section 6 of P.L.2015,
6 c.102 **[,]** (C.52:15D-3 et seq.).

7 e. In addition to publishing the information as required in
8 **[**subsections a. through d. of**]** this section, the department may
9 distribute the information by any other method it deems
10 appropriate.

11 f. (1) By the first day of the sixth month next following
12 enactment of P.L. c. (pending before the Legislature as this
13 bill), the department shall publicly report:

14 (a) The reason for each application denial and wait-list
15 placement from the RREM, TBRA, and LMI programs since the
16 beginning of the recovery effort;

17 (b) After conducting a reasonable effort to contact withdrawn
18 applicants, the reason for each withdrawal by an applicant from the
19 RREM, TBRA, and LMI programs since the beginning of the
20 recovery effort; and

21 (c) Concerning application denials, wait-list placements, and
22 withdrawals from the RREM, TBRA, and LMI programs since the
23 beginning of the recovery effort, information on where the
24 associated funding has been allocated.

25 (2) On a quarterly basis, beginning with the enactment of
26 P.L. c. (pending before the Legislature as this bill), and
27 continuing through the end of 2018, the department shall publicly
28 report:

29 (a) The reason for each new application denial and wait-list
30 placement from the RREM, TBRA, and LMI programs;

31 (b) After conducting a reasonable effort to contact withdrawn
32 applicants, the reason for each new withdrawal by an applicant from
33 the RREM, TBRA, and LMI programs; and

34 (c) Concerning new application denials, wait-list placements,
35 and withdrawals from the RREM, TBRA, and LMI programs,
36 information on where the associated funding is instead being
37 allocated.

38 (cf: P.L.2015, c.102, s.5)

39
40 4. Section 7 of P.L.2015, c.102 (C.52:15D-9) is amended to
41 read as follows:

42 7. Within 60 days of the effective date of P.L.2015, c.102 **[,]**
43 (C.52:15D-3 et seq.), the department shall:

44 a. Provide each applicant to the TBRA program with a timeline
45 setting forth a general estimation of the time in which an applicant
46 can expect to receive assistance through the TBRA program, based
47 upon the department's past experience administering funds through
48 the TBRA program. The timeline shall track the process of

1 applying for assistance from the TBRA program from the time an
2 applicant files his or her application.

3 b. Provide each applicant to the TBRA program with
4 information about the status of his or her individual application,
5 including;

6 (1) the date on which the department received the application;

7 (2) a list of all required documents or other verifications
8 submitted by the applicant related to the application and the date on
9 which the department received each document; and

10 (3) a list of all documents or other verifications which still need
11 to be submitted by the applicant in order to complete the TBRA
12 application and the date on which each item must be received.

13 c. Upon request from an applicant to the TBRA program
14 appealing a decision to deny the applicant benefits under the
15 program, provide to the applicant information about the status of his
16 or her appeal, including:

17 (1) the date on which the applicant filed the appeal;

18 (2) all pending reviews of the appeal and the date of any
19 upcoming hearings related to the appeal;

20 (3) the department's final determination, if one is made as of the
21 date the request for information is fulfilled, or otherwise the date on
22 which the applicant can expect that the department will make a final
23 determination concerning the appeal; **[and]**

24 (4) a list of all documents related to the appeal and the date on
25 which each document was filed ; and

26 (5) an explanation for any decision to deny an application for
27 aid, and, if eventual approval is still possible, an explanation for
28 ways to remedy the application.

29 d. In the event the department denies an appeal by a TBRA
30 applicant, the department shall refer the applicant to a housing
31 counselor who is certified by the federal Department of Housing
32 and Urban Development or is part of a program established by the
33 department to provide housing counseling to people impacted by
34 Superstorm Sandy.

35 (cf: P.L.2015, c.102, s.7)

36

37 5. (New section) a. A Sandy-impacted homeowner shall be
38 eligible for a forbearance if payments due under a mortgage were
39 current as of August 10, 2015, the effective date of P.L.2015, c.102
40 (C.52:15D-3 et seq.). The Sandy-impacted homeowner shall apply
41 to the commissioner, on forms to be provided by the department, for
42 a certification of eligibility for the forbearance under this subsection
43 before the first day of the fifth month next following the effective
44 date of P.L. , c. (pending before the Legislature as this bill).
45 The commissioner shall approve or deny an application within 30
46 days of its delivery to the commissioner. If the application is not
47 approved or denied within 30 days of its delivery, the application
48 shall be deemed approved.

1 b. Notwithstanding the provisions of any law, rule, or
2 regulation to the contrary, the repayment period of any mortgage
3 subject to the forbearance established in subsection a. of this section
4 shall be extended by the number of months the forbearance is in
5 effect. During the time of the forbearance and during the period
6 constituting an extension of the mortgage, all terms and conditions
7 of the original mortgage, except with regard to default and
8 delinquency during forbearance, shall continue without
9 modification, and there shall be no fees assessed for the
10 forbearance, or penalty for early repayment.

11 c. A Sandy-impacted homeowner who was the subject of a
12 foreclosure proceeding as of August 10, 2015, the effective date of
13 P.L.2015, c.102 (C.52:15D-3 et seq.) shall, upon good cause shown,
14 be awarded, by the court and upon application by the property
15 owner, a stay in the foreclosure proceedings until November 1,
16 2018. An application to the court by a property owner under this
17 subsection shall be made before the first day of the fifth month next
18 following the effective date of P.L. , c. (pending before the
19 Legislature as this bill).

20 d. The commissioner shall notify as many Sandy-impacted
21 homeowners as is reasonably possible of eligibility for a
22 forbearance or stay of foreclosure proceedings prior to the first day
23 of the second month next following effective date of P.L. ,
24 c. (pending before the Legislature as this bill).

25 e. Sandy-impacted homeowners awarded a stay of foreclosure
26 proceedings or forbearance under this section shall be responsible
27 for the maintenance of the property during the stay or period of
28 forbearance. After service of notice of any proceedings conducted
29 to terminate forbearance, made on the mortgagor at an address
30 determined pursuant to due diligence of the movant mortgagee or
31 creditor to be the actual current residence of the mortgagor,
32 providing opportunity for the mortgagor to respond and contest the
33 proceedings, a stay of foreclosure proceedings or forbearance
34 awarded under this section shall cease immediately upon a court's
35 determination that the subject residential property has been
36 abandoned by the Sandy-impacted homeowner.

37 f. Nothing in this section shall be construed as limiting the
38 ability of a mortgagee and residential property owner to participate
39 in a mediation sponsored by the Administrative Offices of the Court
40 in accordance with the requirements of the mediation program.
41 Nothing in this section shall be construed to impact property tax
42 and insurance obligations of a property owner related to any real
43 property in the State.

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45 6. This act shall take effect immediately.

STATEMENT

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This bill ensures the fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

The bill requires the Department of Community Affairs (“DCA”) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation and Mitigation (“RREM”) or Low-to-Moderate Income (“LMI”) program grant award date for any applicant who demonstrates that the delay has resulted from certain faults of the builder, or delays by DCA in approving the builder associated with the project.

Upon any decision to deny an application for aid under either the Tenant-Based Rental Assistance (“TBRA”), LMI, or RREM program, this bill requires DCA to provide the applicant with an explanation for the denial, and an explanation for ways to remedy the application. The bill gives DCA the responsibility to publicly report the reason for each application denial, wait-list placement, and withdrawal from the RREM, TBRA, and LMI programs since the beginning of the recovery effort, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. Concerning withdrawn applications, the public reporting requirements shall apply only after DCA has conducted a reasonable effort to contact the withdrawn applicant.

The bill also requires DCA to publicly report on where all funding associated with application denials, wait-list placements, and withdrawals has instead been allocated. The bill applies this requirement to all application denials, wait-list placements, and withdrawals since the beginning of the recovery effort, and requires ongoing reporting on a quarterly basis through the end of 2018.

The bill requires DCA to maintain a RREM appeals process for at least six months following the bill’s effective date. The appeals process shall be open to any applicant to the RREM program who submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

Finally, in order to address the economic crisis that many families continue to experience as a result of Superstorm Sandy, this bill offers temporary protections against foreclosure to certain Sandy victims. Under the bill, homeowners who are not in foreclosure, and who sustained at least \$8,000 worth of damage, or over one foot of water on the first floor as a result of the storm, will be authorized to apply to DCA for a certificate of eligibility for mortgage forbearance. The forbearance would establish a time period, ending November 1, 2018, during which the homeowner would not be responsible for principal or interest payments on the mortgage. The term of the mortgage would automatically extend, under the same terms, for the number of months the mortgage is in forbearance.

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1 Homeowners who are already in foreclosure litigation, and
2 sustained at least \$8,000 worth of damage, or over one foot of water
3 on the first floor as a result of the storm, as determined by RREM and
4 LMI program procedures, will be authorized to apply to the court for a
5 stay of proceedings, also to end November 1, 2018.

6 Any homeowner who is awarded a forbearance or a stay of
7 foreclosure proceedings will continue to be responsible for property
8 taxes, insurance, and general property maintenance. So long as the
9 homeowner is first offered sufficient notice, a forbearance may be
10 terminated upon a court determination that the homeowner has
11 abandoned the property.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2300

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 13, 2016

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2300.

As amended, this bill ensures the fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

The bill requires the Department of Community Affairs (“DCA”) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation and Mitigation (“RREM”) or Low-to-Moderate Income (“LMI”) program grant award date for any applicant who demonstrates that the delay has resulted from certain faults of the builder, or delays by DCA in approving the builder associated with the project.

Upon any decision to deny an application for aid under either the Tenant-Based Rental Assistance (“TBRA”), LMI, or RREM program, this bill requires DCA to provide the applicant with an explanation for the denial and an explanation for ways to remedy the application. The bill gives DCA the responsibility to publicly report the reason for each application denial, wait-list placement, and withdrawal from the RREM, TBRA, and LMI programs since the beginning of the recovery effort, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. Concerning withdrawn applications, the public reporting requirements shall apply only after DCA has conducted a reasonable effort to contact the withdrawn applicant.

The bill also requires DCA to publicly report on where all funding associated with application denials, wait-list placements, and withdrawals has instead been allocated. The bill applies this requirement to all application denials, wait-list placements, and withdrawals since the beginning of the recovery effort, and requires ongoing reporting on a quarterly basis through the end of 2018.

The bill requires DCA to maintain a RREM appeals process for at least six months following the bill’s effective date. The appeals process shall be open to any applicant to the RREM program who submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

Finally, in order to address the economic crisis that many families continue to experience as a result of Superstorm Sandy, this bill offers temporary protections against foreclosure to certain Sandy victims.

Any homeowner who is awarded a forbearance or a stay of foreclosure proceedings will continue to be responsible for property taxes, insurance, and general property maintenance. So long as the homeowner is first offered sufficient notice, a forbearance may be terminated upon a court determination that the homeowner has abandoned the property.

COMMITTEE AMENDMENTS

The amendments:

-make this bill identical to Assembly Bill No. 333 (2R).

-narrow the potential field of applicants for a mortgage obligation forbearance or stay of foreclosure proceedings permitted under the bill to homeowners who have either been approved for assistance through the RREM or LMI program, or have received rental assistance from FEMA as a result of damage to their primary residence due to Superstorm Sandy.

-enhance the bill's notification requirements

-require that, upon knowledge of a homeowner's eligibility for a forbearance or stay of foreclosure proceedings, the mortgage lender shall notify the homeowner and the courts.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2300

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2300 (1R).

This bill ensures the fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.

The bill requires the Department of Community Affairs (“DCA”) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation and Mitigation (“RREM”) or Low-to-Moderate Income (“LMI”) program grant award date for any applicant who demonstrates that the delay has resulted from certain faults of the builder, or delays by DCA in approving the builder associated with the project.

Upon any decision to deny an application for aid under either the Tenant-Based Rental Assistance (“TBRA”), LMI, or RREM program, this bill requires DCA to provide the applicant with an explanation for the denial and an explanation for ways to remedy the application. The bill gives DCA the responsibility to publicly report the reason for each application denial, wait-list placement, and withdrawal from the RREM, TBRA, and LMI programs since the beginning of the recovery effort, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. Concerning withdrawn applications, the public reporting requirements shall apply only after DCA has conducted a reasonable effort to contact the withdrawn applicant.

The bill also requires DCA to publicly report on where all funding associated with application denials, wait-list placements, and withdrawals has instead been allocated. The bill applies this requirement to all application denials, wait-list placements, and withdrawals since the beginning of the recovery effort, and requires ongoing reporting on a quarterly basis through the end of 2018.

The bill requires DCA to maintain a RREM appeals process for at least six months following the bill’s effective date. The appeals process shall be open to any applicant to the RREM program who submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

Finally, in order to address the economic crisis that many families continue to experience as a result of Superstorm Sandy, this bill offers temporary protections against foreclosure to certain Sandy victims.

Any homeowner who is awarded a forbearance or a stay of foreclosure proceedings will continue to be responsible for property taxes, insurance, and general property maintenance. So long as the homeowner is first offered sufficient notice, a forbearance may be terminated upon a court determination that the homeowner has abandoned the property.

As reported, this bill is identical to Assembly Bill No. 333 (2R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services has determined that the bill would have an indeterminate impact on State finances. The State may incur additional expenditures with new reporting and notification requirements established by the bill. The State maintains several websites through which it provides information concerning recovery and rebuilding programs and policies. The DCA could post any new reports required by the bill on any of these websites. Changes to the pace at which LMI and RREM funds are expended will not affect State revenues and expenditures.

The bill allows Sandy-impacted homeowners to apply for mortgage forbearance and, if their property is in foreclosure, a stay of foreclosure proceedings. Approximately 70,000 households would be eligible to apply for mortgage forbearance and a stay of foreclosure proceedings (7,995 eligible LMI and RREM participants and 61,441 recipients of FEMA housing assistance). The OLS cannot predict how many homeowners will apply for mortgage forbearance or a stay of foreclosure proceedings. The potential number of applicants represents a projection of the total number of applications that would be eligible to apply for mortgage forbearance and a stay of foreclosure proceedings. It is not an estimate of the number of Sandy-impacted homeowners that will apply for mortgage relief or be approved for mortgage relief by either the Commissioner of Community Affairs or the Judiciary.

It is possible that a homeowner could receive mortgage forbearance until July 1, 2019. This period of protection against the sale, foreclosure, or seizure of a property will allow mortgage loans issued by the New Jersey Housing and Mortgage Finance Company (NJHMFA) to go unpaid for about two years. If the NJHMFA receives insufficient mortgage payments for the purpose of servicing related mortgage revenue bonds, it will be required to use other funds to make scheduled mortgage payments. Any additional funds expended by the NJHMFA may be recovered as mortgagors (borrowers) become current in their payments or the property is sold through the foreclosure process.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2300 STATE OF NEW JERSEY 217th LEGISLATURE

DATED: NOVEMBER 10, 2016

SUMMARY

- Synopsis:** Ensures fairness of project deadlines, enhances transparency, and creates foreclosure protections for Superstorm Sandy victims.
- Type of Impact:** Indeterminate impact on State finances.
- Agencies Affected:** Department of Community Affairs, New Jersey Housing and Mortgage Finance Agency (NJHMFA), and the Judiciary

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Impact – See comments below		

- The Office of Legislative Services (OLS) has determined that the enactment of Senate Bill No. 2300 (1R) would have an indeterminate impact on State finances. The State may incur additional expenditures associated with new reporting and notification requirements established by the bill.
- Approximately 70,000 homeowners would become eligible to apply for mortgage forbearance or a stay of foreclosure proceedings. Information on the number of primary residences in foreclosure that are owned by Sandy-impacted homeowners is not available at this time.
- If the New Jersey Housing and Mortgage Finance Agency (NJHMFA) receives insufficient mortgage payments for the purpose of servicing related mortgage revenue bonds, it will be required to use other funds to make scheduled mortgage payments. Any additional funds expended by the NJHMFA may be recovered as mortgagors (borrowers) become current in their payments or the property is sold through the foreclosure process.

BILL DESCRIPTION

Senate Bill No. 2300 (1R) of 2016 amends current laws governing the expenditure of federal Community Development Block Grant-Disaster Recovery (CDBG-DR) funds awarded to New

Jersey following Superstorm Sandy and establishes a mortgage relief program for certain Superstorm-Sandy impacted homeowners. The bill requires the Department of Community Affairs (DCA) to extend the deadline for project completion following a Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM) or Low-to-Moderate Income Homeowners Rebuilding Program (LMI) grant award date for any applicant who demonstrates that the delay resulted from certain faults of the builder or delays by the DCA in approving the builder associated with the project. The bill also requires the DCA to provide any applicant denied aid under the LMI, RREM, and Tenant-Based Rental Assistance (TBRA) programs with an explanation for the denial of assistance and an explanation of how a rejected application may be remedied.

The bill requires the DCA to report the reason for each application denial, wait-list placement, and withdrawal from the LMI, RREM, and TBRA programs since the beginning of the State's recovery efforts, and to report the reasons for new denials, wait-list placements, and withdrawals on a quarterly basis through 2018. The public reporting requirements for program withdrawals apply only after the DCA has conducted a reasonable effort to contact the withdrawn applicant. The bill requires the DCA to publicly report where all funding associated with application denials, wait-list placements, and withdrawals since the beginning of the recovery effort has instead been allocated, on a quarterly basis through 2018,. The bill requires the DCA to maintain a RREM appeals for at least six months following the bill's effective date. The appeals process is open to any applicant who submitted an initial application by the deadline of August 1, 2013, regardless of the reason the applicant had been denied or removed from the application process.

The bill also offers temporary protections against foreclosure to certain Superstorm Sandy victims. Homeowners who have either been approved for rental assistance through the RREM or LMI programs, or have received rental assistance through the Federal Emergency Management Agency (FEMA), as a result of damage to their primary residence due to Superstorm Sandy may apply to the DCA for a certificate of eligibility for mortgage forbearance. Mortgage forbearance applications must be filed no later than three months after the application is made available by the Commissioner of Community Affairs. An application must be approved or denied within 30 days of its date of delivery to the commissioner. If no action is taken within the 30-day approval period, the application is deemed approved. The forbearance period concludes upon the earlier of: (1) the conclusion of one year following the issuance of a certificate of occupancy for recovery and rebuilding program work; (2) July 1, 2019; or (3) regarding a property in foreclosure proceedings, upon the expiration of 10 days following sheriff's sale.

The amended bill allows Sandy-impacted homeowners who are already in foreclosure to apply for the same mortgage forbearance relief in addition to a stay of the foreclosure proceedings. The bill provides that the receipt of rental assistance from FEMA or assistance through the LMI or RREM programs constitute good cause for the award of a stay of foreclosure proceedings. The stay concludes upon the earlier of: (1) the conclusion of one year following issuance of a certificate of occupancy for recovery and rebuilding program work; or (2) July 1, 2019. The bill requires the DCA to notify as many Sandy-impacted homeowners as reasonably possible of their eligibility to apply for mortgage forbearance or a stay of foreclosure proceedings.

Finally, the bill requires the DCA to: (1) post information on eligibility and the application process for the forbearance and stay of foreclosure proceedings, (2) make forbearance applications available on its Internet website, and (3) notify the courts and the State's active mortgage lenders which individuals and associated properties are eligible for forbearance or stay of foreclosure proceedings. A homeowner who is awarded forbearance or a stay of foreclosure proceedings is responsible for the payment of property taxes and insurance and general property

maintenance. So long as the homeowner is first offered sufficient notice, forbearance may be terminated upon a judicial determination that the homeowner has abandoned the property.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS has determined that the enactment of Senate Bill No. 2300 (1R) would have an indeterminate impact on State finances. The State may incur additional expenditures with new reporting and notification requirements established by the bill. The State maintains several websites through which it provides a wide array of information concerning recovery and rebuilding programs and policies. The DCA could post any new reports required by the bill on any of these websites. Changes to the pace at which LMI and RREM funds are expended will not affect State revenues and expenditures. New Jersey has allocated \$1.462 billion in CDBG-DR funds (35 percent of the State's total award) to the LMI, RREM, and TBRA programs; of that amount, \$1.097 billion has been disbursed. The OLS notes that federal regulations require all CDBG-DR funds to be committed by September 30, 2017 and expended by September 30, 2019. According to program expenditure forecasts available www.renewjerseystronger.org, all LMI, RREM, and TBRA funds will be expended by the end of Fiscal Year 2018 (June 30, 2018).

The OLS notes that the bill requires the DCA to re-open the RREM appeals process for a period of at least six months following the effective date of the bill. The appeals process would be open to any RREM Program applicant who submitted an application for assistance by August 1, 2013, regardless of the reason the applicant had withdrawn, was denied RREM assistance, or was removed from the program. The RREM Program Guidelines required applicants to appeal their ineligibility determination in writing within 30 days of receipt of their ineligibility letter. The State provided a second appeal period in February and March of 2014 for those applicants who were deemed ineligible for RREM assistance but did not file an appeal within 30 days of receipt of their ineligibility determination. During the Fiscal Year 2017 budget process, the DCA indicated that 7,623 RREM applicants have withdrawn from the program or were determined to be ineligible for assistance.

The bill allows Sandy-impacted homeowners to apply for mortgage forbearance and, if their property is in foreclosure, a stay of foreclosure proceedings. Senate Bill No. 2300 (1R) defines a "Sandy-impacted homeowner" as a homeowner who either received rental assistance from FEMA due to damage to their primary residence caused by Superstorm Sandy or has been approved for assistance through the RREM or LMI programs. Approximately 70,000 households would be eligible to apply for mortgage forbearance and a stay of foreclosure proceedings (7,995 eligible LMI and RREM participants and 61,441 recipients of FEMA housing assistance). The OLS cannot predict how many homeowners will apply for mortgage forbearance or a stay of foreclosure proceedings.

The potential number of applicants contained in this estimate represents a projection of the total number of applications that would be eligible to apply for mortgage forbearance and a stay of foreclosure proceedings. It is not an estimate of the number of Sandy-impacted homeowners that will apply for mortgage relief or be approved for mortgage relief by either the Commissioner of

Community Affairs or the judiciary. Homeowners who applied for assistance through the RREM or LMI programs were required to register with FEMA. It is possible that homeowners who received FEMA rental assistance also received a RREM or LMI grant. The OLS does not have sufficient data to distinguish between these two groups of Sandy-impacted homeowners, so it is possible that some homeowners are included in both groups. This double counting may cause the potential number of applicants to be lower than estimated.

If Senate Bill No. 2300 (1R) is enacted into law, it is possible that a homeowner could receive mortgage forbearance until July 1, 2019. This period of protection against the sale, foreclosure, or seizure of a property will allow mortgage loans issued by the NJHMFA to go unpaid for about two years. NJHMFA projects are usually backed by mortgage revenue bonds. Mortgage revenue bonds are secured by mortgages and mortgage loan repayments on single-family homes. Either all, or a portion of, the principal and interest payments on a home mortgage is used to make payments to NJHMFA bondholders. If the mortgage payments are not sufficient to fully fund those amounts owed to bondholders, the NJHMFA would be required to use other moneys (such as surplus, funds designated for other programs, or funds held in a debt service reserve) to make scheduled bond payments. Any additional funds expended by the NJHMFA may be recovered as mortgagors become current in their payments or if their property is sold through the foreclosure process. The mortgage forbearance period proposed by the bill could provide certain borrowers sufficient time to address financial concerns and avoid the foreclosure process.

Section: Local Government

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*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Chris Christie Takes Action On Pending Legislation

Friday, February 10, 2017

Tags: [Bill Action](#)



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[Governor's Statement Upon Signing Assembly Bill No. 333 \[pdf 30KB\]](#)

Trenton, NJ – Governor Chris Christie announced that he has taken action on the following legislation:

BILL SIGNINGS:

A-333/S-2300 (Singleton, Quijano, Caputo, Taliaferro, Green, Caride, Houghtaling/Stack, Beck) – w/STATEMENT - Ensures project deadline fairness, enhances transparency, and establishes foreclosure protection and mortgage relief program for certain Superstorm Sandy-impacted homeowners

A-544/S-385 (Pinkin, Lagana, Mazzeo, Mukherji, Houghtaling/Stack, Barnes) - Requires annual notice of assessment on property to contain bolded notice of filing deadline for appeal

A-1668/S-354 (Schaer, Jasey, Johnson, Zwicker, Giblin, Downey, Wimberly/T. Kean) - Establishes New Jersey Commission on Higher Education and Business Partnerships

A-1945/S-1243 (Coughlin, Sumter, Wimberly/Vitale, Cunningham) - Requires AG and county prosecutor to provide notification on website concerning persons indicted or prosecuted for crimes under certain circumstances

A-2199/S-744 (Singleton, Holley, Rodriguez-Gregg, Downey/Beach, Turner) - Establishes veterans' preference for affordable housing in certain housing projects

A-2228/S-2489 (DeAngelo, Lagana, Pinkin, McKnight, Benson/Cruz-Perez, Van Drew) - Includes all disabled veterans in NJT discount program for senior citizens and persons with disabilities

A-2514/S-2178 (DeAngelo, Pinkin, Tucker, Space, Phoebus/Beach, Oroho) - Permits local units of government to enter into shared services agreements with federal military installations located in the State

A-2517/S-2008 (DeAngelo, Andrzejczak, Tucker, Conaway, Land/Beach, Allen) - Provides preference to certain employers applying for workforce development grants

A-2619/S-2409 (Gusciora, Wimberly, Holley, Muoio, Chiaravalloti, Sumter/Vitale, Cruz-Perez) - Requires that certain inmates with detainers be provided access to drug treatment programs

A-3267/S-2519 (Singleton, Webber, Holley, Mukherji, Lampitt, Wimberly, Houghtaling/Vitale) - Provides for voluntary contributions by taxpayers on gross income tax returns to support autism programs

A-3333/S-1509 (Singleton, Mukherji, Oliver, Muoio, Houghtaling/Turner, Cruz-Perez) - Establishes microenterprise training program and assistance for microentrepreneurs; gives priority status to projects involving microenterprises under Neighborhood Revitalization Tax Credit Program

BILLS VETOED:

A-756/S-2046 (Moriarty, Coughlin, Mukherji, Benson/Cruz-Perez) – CONDITIONAL - Regulates use of motor vehicle payment assurance devices

A-4189/S-2670 (Gusciora, Muoio, Mukherji, Pintor Marin, Chiaravalloti, Wimberly/Van Drew, Turner) – CONDITIONAL - Extends duration of first five designated UEZs for two additional years; specifies permissible use of

UEZ funds; requires DCA Commissioner to assess and issue report on UEZ program

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