

52:27D-307.1

LEGISLATIVE HISTORY CHECKLIST
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(Housing projects--require DCA to
maintain register of projects)

NJSA: 52:27D-307.1
LAWS OF: 199~~2~~1 CHAPTER: 479
BILL NO: A212
SPONSOR(S): Schwartz
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COMMITTEE: ASSEMBLY: Housing
SENATE: County & Municipal Government
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: ASSEMBLY: April 30, 1991
SENATE: January 9, 1992
DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes
FISCAL NOTE: No
VETO MESSAGE: No
MESSAGE ON SIGNING: Yes - *missing*
FOLLOWING WERE PRINTED:
REPORTS: No
HEARINGS: No

KBG:pp

P.L.1991, CHAPTER 479, approved January 18, 1992
1990 Assembly No. 212

1 AN ACT concerning certain publicly assisted housing projects,
2 requiring registration, identification and evaluation of projects
3 under consideration for such assistance, and requiring certain
4 reports relative to such consideration, supplementing P.L.1966,
5 c.293 (C.52:27D-1 et seq.).
6

7 BE IT ENACTED by the Senate and General Assembly of the
8 State of New Jersey:

9 1. As used in this act:

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

14 "Commissioner" means the Commissioner of Community
15 Affairs.

16 "Council" means the Council on Affordable Housing created by
17 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.)

18 "Department" means the Department of Community Affairs.

19 "Housing region" means a housing region as determined by the
20 Council on Affordable Housing pursuant to section 7 of P.L.1985,
21 c.222 (C.52:27D-307).

22 "Project" or "housing project" means any specific work or
23 undertaking for the purpose of providing housing
24 accommodations, whether by new construction or by
25 rehabilitation or adaptation of existing structures, that shall be
26 affordable to persons and families of low or moderate income
27 within the meaning of the "Fair Housing Act," P.L.1985, c.222
28 (C.52:27D-301 et al.). Such work or undertaking may include the
29 acquisition, construction or rehabilitation of lands, buildings and
30 improvements, and such stores, offices, and social, recreational,
31 communal or other facilities as may be incidental or appurtenant
32 to the housing accommodations that are to be provided.

33 "Register" means the Register of Housing Projects directed by
34 section 2 of this act to be established and maintained by the
35 commissioner.

36 2. a. The commissioner shall cause to be established and kept
37 a Register of Housing Projects. The register shall list all projects
38 for which proposal or application has been submitted for
39 assistance under any program of loans, grants or other financial
40 aid administered by the department, including programs
41 administered by the agency, or for which the offices of the

1 department have been solicited in furthering an application for
2 such assistance from any other program of like nature
3 administered by another agency or instrumentality of the State or
4 of the United States government.

5 b. The register shall identify each such project by name and
6 location, and shall identify the proposed sponsor or developer
7 thereof. If the proposed sponsor or developer is a corporation,
8 association or partnership, the register shall identify by name and
9 address each stockholder, member or partner whose participation
10 therein represents an equity interest exceeding five percent. No
11 application or proposal relating to a project for which the
12 information required by this subsection is not made available to
13 the commissioner shall be received or entertained by the
14 department or any division, bureau, officer or employee thereof,
15 or by the agency; nor shall any action upon such application or
16 proposal heretofore received or entertained be taken after the
17 effective date of this act until the required information is made
18 available to the commissioner.

19 c. The commissioner shall, not later than the 90th day next
20 following the effective date of this act, file with the Governor
21 and Legislature a copy of the register upon its compilation in
22 accordance with this section, and thereafter shall promptly
23 report to the Governor and Legislature any additional projects to
24 be included therein. The register and subsequent reports shall
25 include for each project the priority designation assigned to it
26 pursuant to section 3 of this act. The register and subsequent
27 supplements pursuant to this subsection shall be filed with the
28 Secretary of the Senate and Clerk of the General Assembly, and
29 shall be a public record.

30 3. a. The commissioner shall cause to be developed a system
31 for assigning and designating priority ratings to each project
32 included in the register. Priority ratings shall be based upon the
33 following factors, giving to each factor such weight as the
34 commissioner shall judge to be appropriate:

35 (1) Feasibility. Each project shall be evaluated for its physical
36 and financial feasibility, giving consideration to the capabilities
37 of the proposed sponsor or developer, market conditions and
38 regulatory requirements in the locality for which it is proposed,
39 and the availability of financing in sufficient amount and at
40 reasonable cost.

41 (2) Desirability. Each project shall be evaluated with relation
42 to its probable effect in meeting the affordable housing needs of
43 the housing region in which it is to be located, in accordance with
44 the standards and criteria of the council. Consideration shall be
45 given to (a) the number of affordable dwelling units that the
46 project would provide, (b) the proportion of affordable units to
47 the total number of units envisaged in the project plan, (c) the
48 distribution of those affordable units as between those affordable

1 to persons and families of low income and those of moderate
2 income, considered in relation to the needs of the housing region,
3 (d) appropriateness of the proposed tenure of the affordable units,
4 whether to be rental or owner-occupied, in relation to the needs
5 of the housing region, and (e) appropriateness of the proposed
6 distribution of units as to family size, in relation to the needs of
7 the housing region.

8 (3) Efficiency. Each project shall be evaluated on the basis of
9 the cost to the State, in terms of financial assistance granted or
10 revenue forgone in order to further the project, for each
11 affordable dwelling unit judged by the commissioner to be
12 feasible and desirable according to the terms of the proposal or
13 application made for such assistance.

14 b. In developing the system of assigning and designating
15 priorities, and in evaluating individual projects for such
16 assignment and designation in the register, the commissioner
17 shall consult with the executive director of the agency and the
18 executive director of the council. The council and the agency
19 shall promptly and fully supply the commissioner with all relevant
20 information necessary for the commissioner's timely and
21 complete fulfillment of the requirements of this act.

22 4. a. Any officer or employee of the department, including
23 any member, officer or employee of the agency or the council,
24 who receives from any person any solicitation, application,
25 proposal or communication of any kind, whether oral or in
26 writing, aimed at furthering the assistance of any project shall
27 promptly report the same to the commissioner. The report shall
28 identify the person or persons making such communication. If
29 any such person is not identified in the register in accordance
30 with the requirements of subsection b. of section 2 of this act,
31 the report shall state the person's relationship to the sponsor or
32 developer of the project and the capacity in which the person
33 represents himself or herself to be acting on behalf of the sponsor
34 or developer; or if the person fails or refuses to supply that
35 information, the report shall so state.

36 b. The commissioner shall develop a procedure or procedures
37 by which reports required under subsection a. of this section shall
38 be made either to the commissioner directly or through such
39 administrative channels as the commissioner shall devise and
40 direct. Notwithstanding the provisions of subsection i. of section
41 4 of P.L.1983, c.530 (C.55:14K-4) and subsection a. of section 5
42 of P.L.1985, c.222 (C.52:27D-305), the regulations adopted by the
43 commissioner in fulfillment of this subsection shall be of full
44 force and application on and within the agency and the council;
45 and all members, officers and employees of the agency and
46 council shall give full compliance with and obedience to the rules
47 and orders of the commissioner made in pursuance of his duties
48 and responsibilities under this act.

1 c. Reports made to the commissioner shall be promptly
2 forwarded by him, not later than 10 days after their receipt, to
3 the Governor and to the presiding officers of the Houses of the
4 Legislature, who shall cause all members of their respective
5 Houses to be notified of the receipt of those reports and shall
6 make adequate provision for the inspection of the commissioner's
7 reports by members and committees of either House, and for the
8 dissemination of those reports to the public. The reports
9 forwarded by the commissioner shall in each instance indicate the
10 priority rating that has been assigned in the register to the
11 project to which the report relates.

12 5. The commissioner shall adopt and promulgate, in
13 accordance with the provisions of the "Administrative Procedure
14 Act," P.L.1948, c.410 (C.52:14B-1 et seq.), all rules and
15 regulations necessary or expedient for the prompt and effective
16 carrying out of the provisions and purposes of this act.

17 6. This act shall take effect immediately, except that section
18 4 shall not become operative until the regulations required
19 pursuant to subsection b. of that section have been adopted and
20 the register directed to be compiled under section 2 has been
21 filed in compliance with subsection c. of that section.

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24 STATE GOVERNMENT

25

26 Requires DCA to keep a register of certain housing projects and
27 report lobbying activity seeking public assistance for those
28 projects.

1 c. Reports made to the commissioner shall be promptly
2 forwarded by him, not later than 10 days after their receipt, to
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19 pursuant to subsection b. of that section have been adopted and
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21 filed in compliance with subsection c. of that section.

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23

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STATEMENT

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26 This bill is designed to put a check upon the exercise of undue
27 influence in the pursuit of financial assistance for housing
28 projects that claim eligibility for aid from public funds.

29 The bill would require, first, that all projects being considered
30 under housing assistance programs of the Department of
31 Community Affairs -- including projects that come under the
32 consideration of the semi-autonomous Housing and Mortgage
33 Finance Agency and the Council on Affordable Housing -- shall
34 be listed in a central Register of Housing Projects, which shall
35 also list for each project a priority rating, based on the judgment
36 of department officials, as to their relative feasibility,
37 desirability and efficiency. The register would also identify the
38 developer or sponsor of any listed project, including the principal
39 participants in any corporate or partnership form of sponsorship.

40 Secondly, the bill would require that any incident of lobbying
41 on behalf of any such project be promptly reported, together with
42 the identity of the lobbyist and his relationship to the sponsor or
43 developer of the project, by any departmental officer or
44 employee who is the object of such lobbying. These reports would
45 be compiled by the Commissioner of Community Affairs,
46 promptly forwarded to the Governor and Legislature, and made a
47 matter of public record. The Commissioner's reports would also
48 indicate the priority rating of any project on behalf of which such

1 lobbying was done. This will permit a comparison between the
2 officially determined merit of a project and the extent of
3 lobbying efforts expended on its behalf.

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5

6 STATE GOVERNMENT

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8 Requires DCA to keep a register of certain housing projects and
9 report lobbying activity seeking public assistance for those
10 projects.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 212

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Housing Committee reports Assembly Bill No. 212 favorably, without amendment.

This bill is designed to put a check upon the exercise of undue influence in the pursuit of financial assistance for housing projects that claim eligibility for aid from public funds.

The bill would require, first, that all projects being considered under housing assistance programs of the Department of Community Affairs -- including projects that come under the consideration of the semi-autonomous Housing and Mortgage Finance Agency and the Council on Affordable Housing -- shall be listed in a central Register of Housing Projects, which shall also list for each project a priority rating, based on the judgment of department officials, as to their relative feasibility, desirability and efficiency. The register would also identify the developer or sponsor of any listed project, including the principal participants in any corporate or partnership form of sponsorship.

Secondly, the bill would require that any incident of lobbying on behalf of any such project be promptly reported, together with the identity of the lobbyist and his relationship to the sponsor or developer of the project, by any departmental officer or employee who is the object of such lobbying. These reports would be compiled by the Commissioner of Community Affairs, promptly forwarded to the Governor and Legislature, and made a matter of public record. The Commissioner's reports would also indicate the priority rating of any project on behalf of which such lobbying was done. This will permit a comparison between the officially determined merit of a project and the extent of lobbying efforts expended on its behalf.

This bill was pre-filed for introduction in the 1990 Session pending technical review. As reported, it incorporates the changes indicated by technical review, which has been performed.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 212

STATE OF NEW JERSEY

DATED: DECEMBER 9, 1991

The Senate County and Municipal Government Committee reports favorably Assembly Bill No. 212.

Assembly Bill No. 212 requires the Commissioner of Community Affairs to establish a Register of Housing Projects and requires the department to record all communications regarding all projects for which a proposal or application has been submitted for financial assistance by the department.

Specifically, the bill requires, first, that all projects being considered under housing assistance programs of the Department of Community Affairs -- including projects that come under the consideration of the semi-autonomous Housing and Mortgage Finance Agency and the Council on Affordable Housing -- be listed in a central Register of Housing Projects, which shall also list for each project a priority rating, based on the judgment of department officials, as to its relative feasibility, desirability and efficiency. The register would also identify the developer or sponsor of any listed project, including the principal participants in any corporate or partnership form of sponsorship.

Secondly, the bill requires that any incident of lobbying on behalf of any such project be promptly reported, together with the identity of the lobbyist and his relationship to the sponsor or developer of the project, by any departmental officer or employee who is the object of such lobbying. These reports would be compiled by the Commissioner of Community Affairs, promptly forwarded to the Governor and Legislature, and made a matter of public record. The commissioner's reports would also indicate the priority rating of any project on behalf of which such lobbying was done.