

52:15D-3 TO 52:15D-12
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 102

NJSA: 52:15D-3 TO 52:15D-12 (Increases efficiency and transparency in distribution of Superstorm Sandy aid money.)

BILL NO: S2825 (Substituted for A4316 (1R))

SPONSOR(S) Sweeney, Stephen M., and others

DATE INTRODUCED: March 12, 2015

COMMITTEE: **ASSEMBLY:** Housing and Community Development

SENATE: Community and Urban Affairs
Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/25/2015

SENATE: 6/29/2015

DATE OF APPROVAL: August 10, 2015

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted)	Yes
S2825	
INTRODUCED BILL: (Includes sponsor(s) statement)	Yes
COMMITTEE STATEMENT:	
ASSEMBLY:	Yes
SENATE:	Yes

(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:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes
	5/22/2015 6/29/2015

A4316 (1R)	
INTRODUCED BILL: (Includes sponsor(s) statement)	Yes
COMMITTEE STATEMENT:	
ASSEMBLY:	Yes
SENATE:	No

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FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes 7/6/2015
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:	No

Also of possible interest:

Committee meeting of Senate Legislative Oversight Committee: testimony from invited guests regarding problems associated with the processing of applications to Sandy homeowner relief programs : Committee Room 6, State House Annex, Trenton, New Jersey, February 11, 2014, Library call number: 974.90 H966, 2014
Available online at <http://hdl.handle.net/10929/31143>

Frequently asked questions : New Jersey Department of Environmental Protection Superstorm Sandy Blue Acres buyout program.
Library call number: 974.90 H966 E621, 2015
Available online at <http://hdl.handle.net/10929/42500>

The Hurricane Sandy place report : evacuation decisions, housing issues and sense of community
Library call number: 974.90 H966, 2015
Available online at <http://hdl.handle.net/10929/36465>

end

(CORRECTED COPY)

P.L.2015, CHAPTER 102, *approved August 10, 2015*

Senate, No. 2825 (*Second Reprint*)

1 AN ACT concerning efficiency and transparency in the distribution
2 of Superstorm Sandy aid money and supplementing Title 52 of
3 the Revised Statutes.

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

7
8 1. The Legislature finds and declares that:

9 In the autumn of 2012, Superstorm Sandy ravaged New Jersey's
10 shoreline, as well as many other communities in the State. The
11 storm destroyed or damaged more than 72,000 of the State's homes
12 and businesses, has driven more than a quarter-million State
13 residents to seek governmental assistance, and has resulted in more
14 than \$36 billion in damage and recovery needs. In addition, due to
15 the time it has taken to distribute recovery aid following Superstorm
16 Sandy, many of those affected by the storm now face the reality of
17 foreclosure on their home mortgages. While New Jersey
18 communities have taken certain important steps toward recovery,
19 the work to rebuild is not yet complete.

20 Recognizing that there are numerous challenges associated with
21 the efficient and expedient distribution of federal recovery
22 resources following a disaster of the scale of Superstorm Sandy, the
23 processes for individuals and communities to obtain governmental
24 assistance has not been as fast as the Governor and the Legislature
25 would like, and can be improved. Although the reasons for delays in
26 obtaining assistance vary, the State has an obligation to those
27 affected by the storm to make the process of obtaining benefits as
28 user friendly and transparent as possible. For these reasons and
29 others, it is necessary for the Governor and the Legislature to codify
30 and expand upon standards and safeguards for the treatment of
31 individuals and communities seeking financial assistance in
32 recovering from Superstorm Sandy.

33
34 2. As used in P.L. , c. (C.) (pending before the
35 Legislature as this bill):

36 ¹"Agency" means the New Jersey Housing and Mortgage
37 Finance Agency established pursuant to section 4 of P.L.1983,
38 c.530 (C.55:14K-4).¹

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:

¹Senate SBA committee amendments adopted May 14, 2015.

²Assembly AHO committee amendments adopted June 1, 2015.

1 "Applicant" means an individual ²~~[,]~~² or business that has
 2 applied for, ¹~~[is applying for]~~ is waiting for¹, or is receiving
 3 benefits under a recovery and rebuilding program ², and shall
 4 include individuals who are awaiting the completion of a
 5 construction project using benefits received under a recovery and
 6 rebuilding program².

7 "Commissioner" means the Commissioner of Community
 8 Affairs.

9 "Department" means the Department of Community Affairs.

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

11 "Qualified contractor pool" means a listing of contractors
 12 approved by the Department of Community Affairs participating in
 13 the RREM program.

14 ² "LMI" means Low-to-Moderate Income and the program for
 15 which policies and procedures have been adopted by the
 16 Department of Community Affairs.²

17 "Recovery and rebuilding program" means the use of funding
 18 provided by the federal government ¹~~[,]~~, in an amount \$10 million or
 19 greater,¹ for ¹~~[a]~~ the RREM¹ ²~~[program]~~ and LMI programs² ¹,
 20 which ²~~[is]~~¹ are² intended to help individuals ¹~~[and businesses]~~¹
 21 rebuild and recover from Superstorm Sandy, ¹~~[including, but not~~
 22 ~~limited to, the FRM and RREM programs]~~ the TBRA program,
 23 which is intended to assist renters in returning to and residing in
 24 areas impacted by Superstorm Sandy, and the FRM program, which
 25 is intended to assist developers in repairing or replacing rental
 26 housing units damaged or destroyed by Superstorm Sandy¹.

27 "RREM" means ¹~~[the]~~¹ Reconstruction, Rehabilitation,
 28 Elevation and Mitigation ¹~~[Program]~~¹.

29 ¹"TBRA" means Tenant-Based Rental Assistance.¹
 30

31 3. Within ¹~~[30]~~ 60¹ days of the effective date of P.L. ,
 32 c. (C.) (pending before the Legislature as this bill), the
 33 department shall:

34 a. ¹~~[Develop a]~~ Provide each applicant to the RREM and LMI
 35 ²~~[program]~~ programs² with a personal¹ timeline setting forth a
 36 general estimation of the time in which an applicant can expect to
 37 receive assistance through ¹~~[a recovery and rebuilding program]~~
 38 the RREM ²program and LMI² program and a reasonable estimate
 39 of when the applicant can expect completion of the project for
 40 which they have requested assistance¹, based upon the department's
 41 past experience administering funds through ¹~~[recovery and~~
 42 ~~rebuilding programs]~~ the RREM ²program² and LMI¹program¹.
 43 The timeline shall track the process of applying for assistance from
 44 ¹~~[a recovery and rebuilding program]~~ the RREM ²and LMI²
 45 programs¹ from the time an applicant files his or her application

1 with the department through the completion of the project for which
2 the applicant requested assistance ¹, and shall include:

3 (1) When the applicant should expect to receive 50 percent of
4 the RREM grant money that the department has awarded the
5 applicant; and

6 (2) When the applicant should expect to receive 100 percent of
7 the RREM ²and LMI² grant money that the department has awarded
8 the applicant¹.

9 b. ¹Develop and provide to each applicant for assistance from
10 the RREM program a timeline setting forth an estimation of the
11 time in which the applicant can expect to receive assistance through
12 the RREM program that includes the following information as to his
13 or her individual application:

14 (1) When the applicant should expect to receive 50 percent of
15 the RREM grant money that the department has awarded the
16 applicant;

17 (2) When the applicant should expect to receive 100 percent of
18 the RREM grant money that the department has awarded the
19 applicant;

20 (3) When the applicant should expect the construction or
21 elevation project for which the department disbursed grant money
22 will be completed in compliance with all applicable local, State, and
23 federal building codes and regulations; and

24 (4) When the applicant should expect to receive a final
25 certificate of occupancy and grant closeout¹ Provide each applicant
26 to the RREM ²program and LMI² program with information about
27 the status of his or her individual application, including:

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

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

32 (3) a list of all documents or other verifications which still need
33 to be submitted by the applicant in order to complete the RREM
34 ²application and LMI² application and the date on which each item
35 must be received.

36 c. Upon request from an applicant to the RREM ²program and
37 LMI² program appealing a decision to deny the applicant benefits
38 under the program, provide to the applicant information about the
39 status of his or her appeal, including:

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

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

43 (3) the department's final determination, if one is made as of the
44 date the request for information is fulfilled, or otherwise the date on
45 which the applicant can expect that the department will make a final
46 determination concerning the appeal; and

1 (4) a list of all documents related to the appeal and the date on
 2 which each document was filed.

3 d. In the event the department denies an appeal by a RREM² or
 4 LMI² applicant, the department shall refer the applicant to a
 5 housing² [professional at the State housing recovery center serving
 6 the area in which the applicant resides¹] counselor who is certified
 7 by the federal Department of Housing and Urban Development or is
 8 part of a program established by the department to provide housing
 9 counseling to people impacted by Superstorm Sandy².

10
 11 4. Within ¹~~30~~ 60¹ days of the effective date of P.L. ,
 12 c. (C.) (pending before the Legislature as this bill), the
 13 department shall¹:

14 a. Develop¹ ~~develop~~¹ targets for the distribution of assistance
 15 to ¹~~homeowners and renters for reimbursements and repairs~~¹
 16 homeowner and renter applicants¹ through recovery and rebuilding
 17 programs. The department shall establish quarterly goals detailing
 18 the amount of assistance that the department intends to disburse
 19 through recovery and rebuilding programs. These goals shall be
 20 based upon the department's past experience administering funds
 21 through recovery and rebuilding programs and the experience of
 22 other states that have distributed federal funds for disaster recovery.

23 ¹~~b. Develop special targets for the RREM program that, at a~~
 24 ~~minimum,] At a minimum, the targets shall¹~~ provide for ¹~~all~~ the
 25 majority of eligible RREM¹ applicants to receive 50 percent or
 26 more of RREM program funding that the department has awarded
 27 them by ¹~~October 29, 2015~~ December 31, 2015¹ and for all
 28 eligible RREM¹ applicants to ¹~~have completed RREM-funded~~
 29 construction and elevation projects, which meet all applicable local,
 30 State, and federal building codes and regulations, by October 29,
 31 2016 receive 100 percent of RREM program funding by
 32 September 30, 2017, provided that all funding distributions comply
 33 with applicable State and federal laws and regulations¹.

34
 35 5. a. Within ¹~~60~~ 180¹ days of the effective date of P.L. ,
 36 c. (C.) (pending before the Legislature as this bill), the
 37 department shall develop and maintain an Internet website or
 38 webpage providing information concerning recovery and rebuilding
 39 programs. ¹~~The information on the website shall be searchable~~
 40 ~~and available as an interactive database, and shall] At a minimum,~~
 41 the website shall¹:

42 (1) Allow ¹~~verified residents of the State to create an account~~
 43 ~~with the website that allows the resident to monitor the status of his~~
 44 ~~or her application for assistance from a recovery and rebuilding~~
 45 ~~program] an applicant to a recovery and rebuilding program to~~
 46 submit securely through the website a request for specific

1 information on the current status of his or her application for
2 assistance from a recovery and rebuilding program, to which the
3 department shall respond by phone or by email within two business
4 days¹.

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

9 (3) ¹Provide information about the status of individual
10 applications submitted for assistance from a recovery and
11 rebuilding program, including:

12 (a) the date that the application was received;

13 (b) a checklist of all required documents or other verifications
14 related to the application and the date on which each document was
15 received; and

16 (c) a list of all documents or other verifications still needed to
17 complete the application and the date by which each item must be
18 received.

19 (4) Provide a comprehensive list of all pending and completed
20 appeals to the department concerning the denial of assistance or the
21 manner in which the department distributes assistance from
22 recovery and rebuilding programs, including:

23 (a) the date that the appeal was filed;

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

26 (c) a list of all pending reviews of appeals and any upcoming
27 hearings related to recovery and rebuilding programs scheduled
28 before the department; and

29 (d) the department's final determination.

30 (5)¹ Provide contact information for each builder in the
31 qualified contractor pool, including each builder's telephone number
32 and Internet website address ¹, and identify any builders that have
33 been removed from the qualified contractor pool¹.

34 ¹[(6)] (4)¹ Provide and update information regarding the
35 expenditure of recovery and rebuilding program funds and related
36 contracts on the Internet website on a monthly basis. A full and
37 current explanation of the criteria and process by which recovery
38 and rebuilding program applications are prioritized shall also appear
39 on the website. Changes to program policy, information on new
40 contractor awards, and the status of work performed pursuant to the
41 contractor awards shall be posted on the Internet website.

42 ¹[(7)] (5)¹ Provide information on how all recovery and
43 rebuilding program funding has been and will be allocated on the
44 Internet website, including information about the allocation process
45 for all rounds of funding distribution ¹; and:

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

1 **(b) the number of applicants that have received 50 percent or**
2 **more of the recovery and rebuilding program grant money that the**
3 **department has awarded them;**

4 **(c) the number of applicants that have received 100 percent of**
5 **the recovery and rebuilding program grant money that the**
6 **department has awarded them;**

7 **(d) the number of applicants that have completed recovery and**
8 **rebuilding program-funded construction or elevation projects in**
9 **compliance with local, State, and federal building codes and**
10 **regulations; and**

11 **(e) the number of applicants that have received a final certificate**
12 **of occupancy and grant closeout**¹.

13 ¹**[(8) Provide information on how RREM program funding has**
14 **been and will be allocated on the Internet website, including:**

15 (a) the total number of applications submitted for RREM
16 funding;

17 (b) the number of applicants that has received 50 percent or
18 more of the RREM grant money that the department has awarded
19 them;

20 (c) the number of applicants that has received 100 percent of the
21 RREM grant money that the department has awarded them;

22 (d) the number of applicants that has completed RREM-funded
23 construction or elevation projects in compliance with local, State,
24 and federal building codes and regulations; and

25 (e) the number of applicants that has received a final certificate
26 of occupancy and grant closeout.]¹

27 b. The department shall develop and publish on the Internet
28 website ¹**a description of how it developed** the ¹**[[timeline]**
29 **timelines**¹ for the disbursement of recovery and rebuilding program
30 assistance developed pursuant to ¹**[[section 3] sections 3, 7, and 8**¹
31 of P.L. , c. (C.) (pending before the Legislature as this bill).
32 The department shall ¹**[[make available on its Internet website**
33 **individualized timelines for the disbursement of RREM program**
34 **funding, developed pursuant to section 3 of P.L. , c. (C.)**
35 **(pending before the Legislature as this bill), which applicants may**
36 **access through their personal accounts with the website] allow an**
37 **applicant to request his or her individualized timeline for the**
38 **disbursement of program funding, developed pursuant to sections 3,**
39 **7, and 8 of P.L. , c. (C.) (pending before the Legislature as**
40 **this bill), through the website**¹.

41 c. The department shall publish on the Internet website its
42 quarterly goals for the disbursement of recovery and rebuilding
43 program assistance developed pursuant to section 4 of P.L. ,

44 c. (C.) (pending before the Legislature as this bill). ¹**[[The**
45 **department shall publish its goals for the disbursement of RREM**
46 **program funding, developed pursuant to section 4 of P.L. ,**
47 **c. (C.) (pending before the Legislature as this bill).]**¹

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. ,
6 c. (C.) (pending before the Legislature as this bill).

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
12 6. a. Within ¹~~30~~⁶⁰ days of the effective date of P.L. ,
13 c. (C.) (pending before the Legislature as this bill), the
14 commissioner shall report to the Governor and the Legislature,
15 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), regarding
16 the allocation of Community Development Block Grant Disaster
17 Recovery funds and other funds that may be available for relief
18 efforts associated with Superstorm Sandy. The commissioner shall
19 evaluate and determine the extent to which the department may
20 provide unused Community Development Block Grant Disaster
21 Recovery funds and other funds that may be available for similar
22 purposes to persons, who have submitted an application for
23 assistance from a recovery and rebuilding program that is still
24 pending before the department, as interim assistance for the
25 applicants' mortgage payments and rent. If the commissioner
26 determines that utilizing unused Community Development Block
27 Grant Disaster Recovery funds, other funds that may be available
28 for similar purposes, or both, for interim assistance is inappropriate,
29 then the commissioner shall issue a report to the Governor and the
30 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
31 19.1), detailing why the use of these funds for interim assistance is
32 inappropriate. If the commissioner determines that utilizing unused
33 Community Development Block Grant Disaster Recovery funds,
34 other funds that may be available for similar purposes, or both, for
35 interim assistance is appropriate, then the commissioner shall issue
36 a report to the Governor and the Legislature, pursuant to section 2
37 of P.L.1991, c.164 (C.52:14-19.1), establishing a strategy for the
38 rapid disbursement of unused Community Development Block
39 Grant Disaster Recovery funds, other funds that may be available
40 for similar purposes, or both, for interim assistance.

41 b. The report required by this section shall include:

42 (1) an estimate of the total need for interim assistance among
43 persons who have submitted an application for assistance from a
44 recovery and rebuilding program that is still pending before the
45 department;

46 (2) the portion of the total need for interim assistance that the
47 department intends to meet through the rapid disbursement of

1 unused Community Development Block Grant Disaster Recovery
2 funds and other funds that may be available for similar purposes;

3 (3) the portion of the total need for interim assistance that the
4 department intends not to meet through the rapid disbursement of
5 unused Community Development Block Grant Disaster Recovery
6 funds and other funds that may be available for similar purposes;
7 and

8 (4) the means by which the department will decide which
9 applicants will receive interim assistance if the department
10 determines that it cannot satisfy the full need for interim assistance
11 among persons who have submitted an application for assistance
12 from a recovery and rebuilding program that is still pending before
13 the department.

14

15 17. Within 60 days of the effective date of P.L. , c. (C.)
16 (pending before the Legislature as this bill), the department shall:

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

24 b. Provide each applicant to the TBRA program with
25 information about the status of his or her individual application,
26 including:

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

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

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

34 c. Upon request from an applicant to the TBRA program
35 appealing a decision to deny the applicant benefits under the
36 program, provide to the applicant information about the status of his
37 or her appeal, including:

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

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

41 (3) the department's final determination, if one is made as of the
42 date the request for information is fulfilled, or otherwise the date on
43 which the applicant can expect that the department will make a final
44 determination concerning the appeal; and

45 (4) a list of all documents related to the appeal and the date on
46 which each document was filed.

47 d. In the event the department denies an appeal by a TBRA
48 applicant, the department shall refer the applicant to a housing

1 ²[professional at the State housing recovery center serving the area
2 in which the applicant resides¹] counselor who is certified by the
3 federal Department of Housing and Urban Development or is part
4 of a program established by the department to provide housing
5 counseling to people impacted by Superstorm Sandy².
6

7 ^{18.} Within 60 days of the effective date of P.L. , c. (C.)
8 (pending before the Legislature as this bill), the agency shall, at the
9 request of the applicant:

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

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

19 (1) the date on which the application was received;

20 (2) a list of all required documents or other verification
21 submitted by the applicant related to the application and the date on
22 which the agency received each document; and

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

26 c. Provide to each applicant to the FRM program appealing a
27 decision to deny the applicant benefits under the program
28 information about the status of his or her appeal, including:

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

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

32 (3) the agency's final determination, if one is made as of the date
33 the request for information is fulfilled, or otherwise the date on
34 which the applicant can expect that the agency will make a final
35 determination concerning the appeal; and

36 (4) a list of all documents related to the appeal and the date on
37 which each document was filed.

38 d. In the event the agency denies an appeal by a FRM applicant,
39 the agency shall refer the applicant to a housing professional at the
40 State housing recovery center serving the area in which the
41 applicant resides.¹
42

43 ^{19.} Within 60 days of the effective date of P.L. , c. (C.)
44 (pending before the Legislature as this bill), the department shall
45 establish a telephone hotline available, at a minimum, weekdays
46 between 9:00 a.m. and 9:00 p.m. through which applicants may
47 request the general or individualized information that the

1 department and agency must provide pursuant to P.L. , c. (C.)
2 (pending before the Legislature as this bill).¹

3
4 ¹10. The department shall not, to the full extent permitted by
5 federal law or regulation, deem any National Flood Insurance
6 Program claim payments to any National Flood Insurance Program
7 policy holder made on or after May 18, 2015 to be a duplication of
8 benefits of any federal grant award, or to require any other
9 reduction of a previously determined grant or benefit to an applicant
10 based on such payments. The department shall take available steps,
11 including the submission of a waiver request to the United States
12 Department of Housing and Urban Development or the Federal
13 Emergency Management Agency, if either agency legally can grant
14 such a waiver, in order to ensure that National Flood Insurance
15 Program claim payments made on or after May 18, 2015 do not
16 operate as a duplication of benefits with any existing federal grant
17 award, or otherwise reduce the amount of an applicant's award.¹

18
19 ¹[7.] 11.¹ This act shall take effect immediately.

20
21
22 _____
23
24 Increases efficiency and transparency in distribution of
25 Superstorm Sandy aid money.

SENATE, No. 2825

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MARCH 12, 2015

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Increases efficiency and transparency in distribution of Superstorm Sandy aid money.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning efficiency and transparency in the distribution
2 of Superstorm Sandy aid money and supplementing Title 52 of
3 the Revised Statutes.

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

7
8 1. The Legislature finds and declares that:

9 In the autumn of 2012, Superstorm Sandy ravaged New Jersey's
10 shoreline, as well as many other communities in the State. The
11 storm destroyed or damaged more than 72,000 of the State's homes
12 and businesses, has driven more than a quarter-million State
13 residents to seek governmental assistance, and has resulted in more
14 than \$36 billion in damage and recovery needs. In addition, due to
15 the time it has taken to distribute recovery aid following Superstorm
16 Sandy, many of those affected by the storm now face the reality of
17 foreclosure on their home mortgages. While New Jersey
18 communities have taken certain important steps toward recovery,
19 the work to rebuild is not yet complete.

20 Recognizing that there are numerous challenges associated with
21 the efficient and expedient distribution of federal recovery
22 resources following a disaster of the scale of Superstorm Sandy, the
23 processes for individuals and communities to obtain governmental
24 assistance has not been as fast as the Governor and the Legislature
25 would like, and can be improved. Although the reasons for delays in
26 obtaining assistance vary, the State has an obligation to those
27 affected by the storm to make the process of obtaining benefits as
28 user friendly and transparent as possible. For these reasons and
29 others, it is necessary for the Governor and the Legislature to codify
30 and expand upon standards and safeguards for the treatment of
31 individuals and communities seeking financial assistance in
32 recovering from Superstorm Sandy.

33
34 2. As used in P.L. , c. (C.) (pending before the
35 Legislature as this bill):

36 "Applicant" means an individual, or business that has applied
37 for, is applying for, or is receiving benefits under a recovery and
38 rebuilding program.

39 "Commissioner" means the Commissioner of Community
40 Affairs.

41 "Department" means the Department of Community Affairs.

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

43 "Qualified contractor pool" means a listing of contractors
44 approved by the Department of Community Affairs participating in
45 the RREM program.

46 "Recovery and rebuilding program" means the use of funding
47 provided by the federal government, in an amount \$10 million or
48 greater, for a program intended to help individuals and businesses

1 rebuild and recover from Superstorm Sandy, including, but not
2 limited to, the FRM and RREM programs.

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

5

6 3. Within 30 days of the effective date of P.L. , c. (C.)
7 (pending before the Legislature as this bill), the department shall:

8 a. Develop a timeline setting forth a general estimation of the
9 time in which an applicant can expect to receive assistance through
10 a recovery and rebuilding program, based upon the department's
11 past experience administering funds through recovery and
12 rebuilding programs. The timeline shall track the process of
13 applying for assistance from a recovery and rebuilding program
14 from the time an applicant files his or her application with the
15 department through the completion of the project for which the
16 applicant requested assistance.

17 b. Develop and provide to each applicant for assistance from
18 the RREM program a timeline setting forth an estimation of the
19 time in which the applicant can expect to receive assistance through
20 the RREM program that includes the following information as to his
21 or her individual application:

22 (1) When the applicant should expect to receive 50 percent of
23 the RREM grant money that the department has awarded the
24 applicant;

25 (2) When the applicant should expect to receive 100 percent of
26 the RREM grant money that the department has awarded the
27 applicant;

28 (3) When the applicant should expect the construction or
29 elevation project for which the department disbursed grant money
30 will be completed in compliance with all applicable local, State, and
31 federal building codes and regulations; and

32 (4) When the applicant should expect to receive a final
33 certificate of occupancy and grant closeout.

34

35 4. Within 30 days of the effective date of P.L. , c. (C.)
36 (pending before the Legislature as this bill), the department shall:

37 a. Develop targets for the distribution of assistance to
38 homeowners and renters for reimbursements and repairs through
39 recovery and rebuilding programs. The department shall establish
40 quarterly goals detailing the amount of assistance that the
41 department intends to disburse through recovery and rebuilding
42 programs. These goals shall be based upon the department's past
43 experience administering funds through recovery and rebuilding
44 programs and the experience of other states that have distributed
45 federal funds for disaster recovery.

46 b. Develop special targets for the RREM program that, at a
47 minimum, provide for all applicants to receive 50 percent or more
48 of RREM program funding that the department has awarded them

1 by October 29, 2015 and for all applicants to have completed
2 RREM-funded construction and elevation projects, which meet all
3 applicable local, State, and federal building codes and regulations,
4 by October 29, 2016.

5

6 5. a. Within 60 days of the effective date of P.L. , c.
7 (C.) (pending before the Legislature as this bill), the department
8 shall develop and maintain an Internet website or webpage
9 providing information concerning recovery and rebuilding
10 programs. The information on the website shall be searchable and
11 available as an interactive database, and shall:

12 (1) Allow verified residents of the State to create an account
13 with the website that allows the resident to monitor the status of his
14 or her application for assistance from a recovery and rebuilding
15 program.

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

20 (3) Provide information about the status of individual
21 applications submitted for assistance from a recovery and
22 rebuilding program, including:

23 (a) the date that the application was received;

24 (b) a checklist of all required documents or other verifications
25 related to the application and the date on which each document was
26 received; and

27 (c) a list of all documents or other verifications still needed to
28 complete the application and the date by which each item must be
29 received.

30 (4) Provide a comprehensive list of all pending and completed
31 appeals to the department concerning the denial of assistance or the
32 manner in which the department distributes assistance from
33 recovery and rebuilding programs, including:

34 (a) the date that the appeal was filed;

35 (b) a list of all documents related to the appeal and the date on
36 which each document was filed;

37 (c) a list of all pending reviews of appeals and any upcoming
38 hearings related to recovery and rebuilding programs scheduled before
39 the department; and

40 (d) the department's final determination.

41 (5) Provide contact information for each builder in the qualified
42 contractor pool, including each builder's telephone number and
43 Internet website address.

44 (6) Provide and update information regarding the expenditure of
45 recovery and rebuilding program funds and related contracts on the
46 Internet website on a monthly basis. A full and current explanation
47 of the criteria and process by which recovery and rebuilding
48 program applications are prioritized shall also appear on the

1 website. Changes to program policy, information on new contractor
2 awards, and the status of work performed pursuant to the contractor
3 awards shall be posted on the Internet website.

4 (7) Provide information on how all recovery and rebuilding
5 program funding has been and will be allocated on the Internet
6 website, including information about the allocation process for all
7 rounds of funding distribution.

8 (8) Provide information on how RREM program funding has
9 been and will be allocated on the Internet website, including:

10 (a) the total number of applications submitted for RREM
11 funding;

12 (b) the number of applicants that has received 50 percent or
13 more of the RREM grant money that the department has awarded
14 them;

15 (c) the number of applicants that has received 100 percent of the
16 RREM grant money that the department has awarded them;

17 (d) the number of applicants that has completed RREM-funded
18 construction or elevation projects in compliance with local, State,
19 and federal building codes and regulations; and

20 (e) the number of applicants that has received a final certificate
21 of occupancy and grant closeout.

22 b. The department shall develop and publish on the Internet
23 website the timeline for the disbursement of recovery and
24 rebuilding program assistance developed pursuant to section 3 of
25 P.L. , c. (C.) (pending before the Legislature as this bill).
26 The department shall make available on its Internet website
27 individualized timelines for the disbursement of RREM program
28 funding, developed pursuant to section 3 of P.L. , c. (C.)
29 (pending before the Legislature as this bill), which applicants may
30 access through their personal accounts with the website.

31 c. The department shall publish on the Internet website its
32 quarterly goals for the disbursement of recovery and rebuilding
33 program assistance developed pursuant to section 4 of P.L. ,
34 c. (C.) (pending before the Legislature as this bill). The
35 department shall publish its goals for the disbursement of RREM
36 program funding, developed pursuant to section 4 of P.L. , c.
37 (C.) (pending before the Legislature as this bill).

38 d. The department shall publish on the Internet website the
39 commissioner's report on the use of Community Development Block
40 Grant Disaster Recovery funds and other funds that may be available
41 for similar purposes for interim assistance submitted to the Governor
42 and Legislature pursuant to section 6 of P.L. , c. (C.)
43 (pending before the Legislature as this bill).

44 e. In addition to publishing the information as required in
45 subsections a. through d. of this section, the department may
46 distribute the information by any other method it deems
47 appropriate.

1 6. a. Within 30 days of the effective date of P.L. , c.
2 (C.) (pending before the Legislature as this bill), the
3 commissioner shall report to the Governor and the Legislature,
4 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), regarding
5 the allocation of Community Development Block Grant Disaster
6 Recovery funds and other funds that may be available for relief efforts
7 associated with Superstorm Sandy. The commissioner shall evaluate
8 and determine the extent to which the department may provide
9 unused Community Development Block Grant Disaster Recovery
10 funds and other funds that may be available for similar purposes to
11 persons, who have submitted an application for assistance from a
12 recovery and rebuilding program that is still pending before the
13 department, as interim assistance for the applicants' mortgage
14 payments and rent. If the commissioner determines that utilizing
15 unused Community Development Block Grant Disaster Recovery
16 funds, other funds that may be available for similar purposes, or both,
17 for interim assistance is inappropriate, then the commissioner shall
18 issue a report to the Governor and the Legislature, pursuant to
19 section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing why the use of
20 these funds for interim assistance is inappropriate. If the
21 commissioner determines that utilizing unused Community
22 Development Block Grant Disaster Recovery funds, other funds that
23 may be available for similar purposes, or both, for interim assistance is
24 appropriate, then the commissioner shall issue a report to the
25 Governor and the Legislature, pursuant to section 2 of P.L.1991,
26 c.164 (C.52:14-19.1), establishing a strategy for the rapid
27 disbursement of unused Community Development Block Grant
28 Disaster Recovery funds, other funds that may be available for similar
29 purposes, or both, for interim assistance.

30 b. The report required by this section shall include:

31 (1) an estimate of the total need for interim assistance among
32 persons who have submitted an application for assistance from a
33 recovery and rebuilding program that is still pending before the
34 department;

35 (2) the portion of the total need for interim assistance that the
36 department intends to meet through the rapid disbursement of unused
37 Community Development Block Grant Disaster Recovery funds and
38 other funds that may be available for similar purposes;

39 (3) the portion of the total need for interim assistance that the
40 department intends not to meet through the rapid disbursement of
41 unused Community Development Block Grant Disaster Recovery
42 funds and other funds that may be available for similar purposes; and

43 (4) the means by which the department will decide which
44 applicants will receive interim assistance if the department determines
45 that it cannot satisfy the full need for interim assistance among persons
46 who have submitted an application for assistance from a recovery
47 and rebuilding program that is still pending before the department.

1 7. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would increase efficiency and transparency in the
7 disbursement of assistance for residents affected by Superstorm
8 Sandy. This tragic storm inflicted immense damage to this State,
9 and has driven more than a quarter million State residents to seek
10 governmental assistance.

11 The bill requires the Department of Community Affairs to
12 establish a timeline setting forth a general estimation of the time in
13 which an applicant can expect to receive assistance through a
14 recovery and rebuilding program, based upon the department's past
15 experience administering funds through recovery and rebuilding
16 programs. The department must provide to each RREM program
17 applicant, an individualized timeline based upon the applicant's
18 individual application. The bill also requires the department to
19 establish quarterly goals for distributing Superstorm Sandy aid.
20 The bill requires the department to publish the timelines and its
21 funding goals on an Internet website, so the concerned residents of
22 this State can track the department's progress with the disbursement
23 of aid money.

24 In addition to the department's timelines and goals, the website
25 will include other relevant information concerning recovery and
26 rebuilding programs established in the wake of Superstorm Sandy.
27 The Internet webpage will allow verified residents to create an
28 account with the website to track the status of an application for
29 assistance through a recovery and rebuilding program. The Internet
30 website will also include: (1) a plain language explanation of every
31 recovery and rebuilding program available to residents impacted by
32 Superstorm Sandy; (2) a comprehensive list of all pending and
33 completed appeals to the department concerning its disbursement of
34 Superstorm Sandy aid money; (3) a list of builders in the qualified
35 contractor pool; (4) the status of any projects awarded to builders in
36 the qualified contractor pool that involve Sandy aid money; (5) a
37 description of how Sandy aid has been distributed; and (6) a full
38 explanation of the criteria and process through which the
39 department distributes assistance from recovery and rebuilding
40 programs.

41 In addition, this bill requires the Commissioner of Community
42 Affairs to report to the Governor and the Legislature regarding the
43 allocation of Community Development Block Grant Disaster
44 Recovery funds and other funds that may be available for relief efforts
45 associated with Superstorm Sandy. The commissioner must evaluate
46 and determine the extent to which the department may provide
47 unused Community Development Block Grant Disaster Recovery
48 funds and other funds that may be available for similar purposes to

1 persons, who have submitted an application for assistance from a
2 recovery and rebuilding program that is still pending before the
3 department, as interim assistance for the applicants' mortgage
4 payments and rent. The bill further requires the commissioner to
5 submit a report to the Governor and Legislature regarding whether
6 the use of Community Development Block Grant Disaster Recovery
7 and other funds that may be available for relief efforts associated with
8 Superstorm Sandy for interim assistance is appropriate. The report
9 must include information concerning the total need for interim
10 assistance among persons who have submitted an application for
11 assistance from a recovery and rebuilding program that is still
12 pending before the department and how the department intends to
13 satisfy that need.

14 In the autumn of 2012, Superstorm Sandy ravaged New Jersey's
15 shoreline, as well as many other communities in the State. The
16 storm destroyed or damaged more than 72,000 of the State's homes
17 and businesses, has driven more than a quarter-million State
18 residents to seek governmental assistance, and has resulted in more
19 than \$36 billion in damage and recovery needs. Since Superstorm
20 Sandy, numerous challenges associated with the efficient and
21 expedient distribution of Superstorm Sandy aid money have arisen.
22 Consequently, this bill will codify and expand upon standards and
23 safeguards for the treatment of individuals and communities seeking
24 financial assistance in recovering from Superstorm Sandy.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2825

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2015

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2825, with committee amendments.

As amended, this bill would increase efficiency and transparency in the disbursement of assistance for residents affected by Superstorm Sandy. The bill requires the Department of Community Affairs to create a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through a recovery and rebuilding program, based upon the department's past experience administering funds through recovery and rebuilding programs. The bill also requires the department to provide personalized timelines to applicants for funding from the Reconstruction, Rehabilitation, Elevation and Mitigation Program (RREM) and Tenant-Based Rental Assistance Program (TBRA) and the Housing and Mortgage Finance Agency to provide personalized timelines to applicants for funding from the Fund for the Restoration of Multifamily Housing (FRM) based upon the applicants' individual applications.

The bill requires the department to establish quarterly goals for distributing Superstorm Sandy aid. At minimum, the targets must provide for the majority of eligible RREM applicants to receive 50 percent or more of RREM program funding that the department has awarded them by December 31, 2015. The department's targets must provide for all eligible RREM applicants to receive 100 percent of their RREM funding by September 30, 2017.

In addition to the department's timelines and targets, the bill requires the department to create an Internet website and telephone hotline to provide information about recovery and rebuilding programs. The Internet website will include: (1) a plain language explanation of every recovery and rebuilding program available to residents impacted by Superstorm Sandy; (2) a list of builders in the qualified contractor pool; (3) a description of how Sandy aid has been distributed; (4) a full explanation of the criteria and process through which the department distributes assistance from recovery and rebuilding programs; and (5) a method for an applicant to submit a secure request for the status of his or her application for Superstorm Sandy aid.

Furthermore, this bill requires the Commissioner of Community Affairs to report to the Governor and the Legislature regarding the allocation of Community Development Block Grant Disaster Recovery (CDBG-DR) funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner must evaluate and determine the extent to which the department may provide unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes to persons, who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, as interim assistance for the applicants' mortgage payments and rent. The bill further requires the commissioner to submit a report to the Governor and Legislature regarding whether the use of Community Development Block Grant Disaster Recovery and other funds that may be available for relief efforts associated with Superstorm Sandy for interim assistance is appropriate. The report must include information concerning the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department and how the department intends to satisfy that need.

Finally, the bill directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015 a federal benefit that could in any way diminish the claimant's ability to recover other federal funding for Sandy recovery. The bill directs the department to take any available steps, including a waiver request to the United States Department of Housing and Urban Development or the Federal Emergency Management Agency, to ensure that National Flood Insurance Program payments made after May 18, 2015 do not operate as a bar to receiving other federal grant awards.

COMMITTEE AMENDMENTS:

1. Requires Department of Community Affairs to create and distribute personalized timelines to applicants for funding from the Reconstruction, Rehabilitation, Elevation and Mitigation Program (RREM) and Tenant-Based Rental Assistance Program (TBRA) and the Housing and Mortgage Finance Agency to distribute personalized timelines to applicants for funding from the Fund for Restoration of Multifamily Housing based upon the applicants' individual applications;
2. Increases amount of time provided to the department to implement the provisions of the bill;
3. Establishes a telephone hotline that applicants for Sandy funding may utilize to solicit information about their applications;
4. Directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015

a federal benefit that could in any way diminish the claimant's ability to recover other federal funding for Sandy recovery; and

5. Requires the department to refer applicants, whose application and subsequent appeal were denied, to a professional at the State housing recovery center serving the area in which the applicant resides.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the enactment of Senate Bill No. 2825, as amended, will have an indeterminate impact on State finances. The State may experience an increase in expenditures associated with the purchase of new information technology systems. The OLS notes that the three programs specifically addressed in the bill, the Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM), Tenant-Based Rental Assistance (TBRA), and the Fund for the Restoration of Multifamily Housing (FRM), are supported entirely by federal funds. The total amount of federal recovery assistance allocated to these three programs, approximately \$1.966 billion, accounts for 47% of all CDBG-DR funds awarded to New Jersey following Superstorm Sandy. Changes to the pace at which these funds are distributed to eligible applicants will not affect State revenues and expenditures.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2825 STATE OF NEW JERSEY 216th LEGISLATURE

DATED: MAY 22, 2015

SUMMARY

- Synopsis:** Increases efficiency and transparency in distribution of Superstorm Sandy aid money.
- Type of Impact:** Indeterminate impact on State finances.
- Agencies Affected:** Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency.

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) estimates that the enactment of Senate Bill No. 2825 (1R) would have an indeterminate impact on State finances. To the extent that the Department of Community Affairs (DCA) purchases new information technology systems that allow for Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM) program application tracking, additional costs will be incurred.
- The OLS notes that there are at least five websites through which the State makes available assorted information regarding Superstorm Sandy recovery programs, the expenditure of federal disaster relief funds, the distribution of funds to eligible homeowners, businesses, and units of government, and program policies.
- The State's ability to meet the RREM grant distribution deadline of September 30, 2017 will be driven by the pace of construction activity. Factors that impact the time-length of construction include the scope of work required and planning and zoning issues that require local approval.
- The federal government has approved the transfer of \$9.5 million in Social Services Block Grant funds from the Department of Human Services to the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to support short-term rental assistance to displaced homeowners participating in RREM and the Low-to-Moderate Income Homeowners (LMI) Rebuilding Program.

BILL DESCRIPTION

Senate Bill No. 2825 (1R) of 2015 would increase the efficiency and transparency in the disbursement of assistance to individuals and businesses affected by Superstorm Sandy. The bill requires the DCA to establish a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through a recovery and rebuilding program, based upon the department's past experience administering funds through recovery and rebuilding programs. The department must provide to each applicant for funding from the Fund for the Restoration of Multifamily Housing (FRM), Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM), and Tenant-Based Rental Assistance (TBRA) an individualized timeline based on their individual application.

As amended, the bill also requires the department to establish quarterly goals for distributing Superstorm Sandy aid. At a minimum, the targets must provide for the majority of eligible RREM applicants to receive 50 percent or more of RREM program funding that the department has awarded to them by December 31, 2015. The department's targets must provide for all eligible applicants to receive 100 percent of their RREM funding by September 30, 2017. The bill requires the department to publish its timeline and funding goals on an Internet website so that the public may track the department's progress with the disbursement of aid money.

In addition to the department's timeline and funding goals, the website will include other relevant information concerning recovery and rebuilding programs established in the wake of Superstorm Sandy. The Internet webpage will allow applicants to track the status of an application for assistance through a recovery and rebuilding program. The Internet website will also include: (1) a plain language explanation of every recovery and rebuilding program available to residents impacted by Superstorm Sandy; (2) a list of builders in the qualified applicant pool; (3) a description of how Sandy aid has been distributed; (4) a full explanation of the criteria and process through which the department distributes assistance from recovery and rebuilding programs; and (5) a method for an applicant to submit a secure request for the status of his or her application for Superstorm Sandy aid.

The bill directs the Commissioner of Community Affairs to report to the Governor and the Legislature regarding the allocation of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner must evaluate and determine the extent to which the department may provide unused CDBG-DR funds and other funds that may be available for similar purposes to persons who have submitted an application for assistance from a recovery and rebuilding program still pending before the department, as interim assistance for the applicants' mortgage payments and rent. The bill further requires the commissioner to submit a report to the Governor and Legislature regarding whether the use of CDBG-DR funds and other funds that may be available for relief efforts associated with Superstorm Sandy for interim assistance is appropriate. The report must include information concerning the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, and how the department intends to satisfy that need.

Finally, the bill directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015, as a federal benefit that could in any way diminish the claimant's ability to recover any other federal funding for Sandy recovery. The bill directs the department to take any available steps, including a waiver request to federal authorities, to ensure that National Flood Insurance Program payments made after May 18, 2015 do not operate as a bar to receiving federal grant awards.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the enactment of Senate Bill No. 2825 (1R) will have an indeterminate impact on State finances. The State may experience an increase in expenditures associated with the purchase of new information technology systems. The OLS notes that the three programs specifically addressed in the bill, RREM Program, TBRA, and the Fund for the FRM, are supported entirely by federal funds. The total amount of federal recovery assistance allocated to these three programs, approximately \$1.966 billion, accounts for 47 percent of all CDBG-DR funds awarded to New Jersey following Superstorm Sandy. Changes to the pace at which these funds are distributed to eligible applicants will not affect State revenues and expenditures.

Information Technology Improvements

The bill requires the DCA to establish a new Internet website that would provide a wide array of information concerning recovery and rebuilding programs, establish targets for the distribution of Superstorm Sandy relief funds, and determine whether the Superstorm Sandy relief funds may be distributed to applicants as mortgage payments and rental assistance. The OLS notes that the State has already established at least five websites that provide information on Superstorm Sandy recovery efforts. To the extent that the DCA has to purchase new information technology systems that allow for application tracking, additional costs will be incurred.

Federal regulations governing the administration of CDBG-DR funds require grantees to maintain a public website that provides information accounting for how all grant funds are used, managed, and administered; the details of all contracts and ongoing procurement policies; the CDBG-DR Action Plan and all amendments; each quarterly performance report; and the status of goods and services being procured by the grantee. At www.renewjerseystronger.org, the DCA provides detailed information on CDBG-DR programs for homeowners, renters, landlords, developers, businesses, and local governments; a list of qualified RREM program contractors; the CDBG-DR Action Plan and subsequent amendments; and federally-mandated quarterly performance reports. The “Superstorm Sandy CDBG-DR Dashboard” allows the general public to view the amount of federal assistance obligated and awarded through all CDBG-DR supported programs Statewide, and by congressional district, legislative district, county, and municipality.

Additionally, the website for the DCA Sandy Recovery Division contains information on the different programs, housing recovery centers, construction contractor opportunities, and environmental reviews for the RREM Program and the Landlord Rental Repair Program. The “NJ Sandy Transparency” section of the website for the Office of the State Comptroller contains information on contracts awarded for a variety of purposes following Superstorm Sandy, program criteria, and program expenditure data available through the New Jersey Open Data Center. The Governor’s Office of Recovery and Rebuilding provides information on all federally-supported recovery initiatives. Instead of creating a new website, the DCA could satisfy the requirements of the bill by adding, to any one of the aforementioned websites, any information that must be made available to the public and is not already posted on the Internet.

The DCA could also expand the capacity of any of these websites to provide an Internet-based application tracking system for eligible residents and businesses. In May 2014, New Jersey entered into a Voluntary Compliance and Conciliation Agreement (VCA) with the federal Department of Housing and Urban Development and affordable housing advocates in order to resolve fair housing complaints related to the distribution of CDBG-DR funds. The VCA requires the DCA to implement a system through which RREM program applicants can receive current information on the status of their application by telephone. The department has indicated that this system has been established, but is generally accessible Monday through Friday and only during regular business hours.

Targets for Selected CDBG-DR Programs

Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM)

The OLS notes that the bill requires the department to develop special targets for the RREM, TBRA, and FRM programs so that all applicants receive 50 percent or more of their grant award by December 31, 2015 and 100 percent of their grant award by September 30, 2017. According to the New Jersey Comprehensive Financial System, New Jersey has expended approximately \$616 million, or 45 percent, of the \$1.355 billion in CDBG-DR funds allocated to the RREM program. The OLS notes that changes to the RREM program guidelines approved in May 2014 allow homeowners to receive 50 percent of their grant award upon selection of their contractor and completion of the contractor certification process. To receive the remaining grant funds, the homeowner must submit a request for reimbursement and documentation of proof of payment to the DCA. During the Fiscal Year 2016 budget process, the department indicated that it takes about six weeks for reimbursements to be distributed.

The State's ability to meet the September 30, 2017 distribution deadline will ultimately be driven by the pace of rebuilding activity. In its response to a Fiscal Year 2016 OLS Discussion Point, the department noted that almost 90 percent of homeowners in the RREM program are using an owner-selected contractor. They are directly managing their own construction and in control of the timeline for their project. While the DCA provides technical assistance, it is ultimately up to the homeowner and the builder to determine the construction schedule. Each RREM project is different. Factors that affect the length of construction include the scope of the reconstruction or rehabilitation required, whether elevation is necessary, and on-site issues that require approvals from local planning and zoning boards. The DCA also indicated that 940 homeowners have confirmed that construction on their home is complete.

Tenant-Based Rental Assistance (TBRA)

Through CDBG-DR Action Plan Amendment Nos. 6 and 13, New Jersey has set aside \$32 million to provide tenant-based rental assistance vouchers, for up to two years, to low- and moderate-income households affected by Superstorm Sandy. Program guidelines indicate that eligible households must have an income at or below 80 percent of area median income and have lived in one of the nine counties most impacted and distressed by Superstorm Sandy, OR were directly impacted by Superstorm Sandy and previously received rental housing through the Federal Emergency Management Agency (FEMA), and the rental subsidy or rental unit are no longer available. The terms of the VCA require at least \$11.250 million to be set aside for households at or below 30 percent of area median income. The TBRA guidelines indicate that the number of applicants selected from each of the nine counties will be determined according to each county's proportion of the total number of housing units that sustained severe damage.

In response to a Fiscal Year 2016 OLS Discussion Point the DCA indicated that a lottery was conducted in April 2015 to select 1,400 eligible applicants. Data provided by the department indicate that 78 percent of the applicants are from Atlantic, Monmouth, and Ocean Counties.

Over 3,000 applications for assistance were submitted to DCA. Information available through www.renewjerseystronger.org indicates that letters and application packets have been sent to the first group of applicants selected in the lottery to seek documentation of household income and verification that they meet all program eligibility requirements. Letters and application packets will be sent to groups 400 to 500 applicants throughout the spring and summer. The DCA anticipates that vouchers will be issued to qualified applicants in late May or early June of 2015.

Fund for the Restoration of Multi-Family Housing (FRM)

The FRM is intended to facilitate the construction of affordable housing in the nine counties most impacted and distressed by Superstorm Sandy. The CDBG-DR funds are awarded as loans to private for-profit and non-profit housing developers and public housing authorities capable of developing large multi-family housing developments. According to the New Jersey Housing and Mortgage Finance Agency, \$94.5 million has been expended to support first round 24 FRM projects currently under construction; approximately \$120 million has been committed for these projects. There are 12 additional FRM projects supported by the first round of CDBG-DR funding. On April 16, 2015, the NJHMFA announced that more than \$186.5 million in second round FRM funds were awarded to 18 projects in Atlantic, Essex, Hudson, Monmouth, and Ocean Counties. The department anticipates that over 4,000 affordable housing units will be created through the FRM. As with the RREM, the State's ability to meet the September 30, 2017 distribution deadline will ultimately be driven by the pace of rebuilding activity.

Mortgage Payment and Rental Assistance

The bill requires the DCA Commissioner to determine the extent to which unused CDBG-DR funds and other funds may be distributed as mortgage payments and rental assistance to persons with applications for assistance still pending before the department. The OLS notes that the State has received federal approval to reallocate \$9.5 million in Social Services Block Grant funds to provide short-term rental assistance to homeowners participating in the RREM program and the LMI Rebuilding Program. Eligible homeowners who have signed a grant agreement and are displaced due to the construction, elevation, or rehabilitation of their home may receive up to \$825 per month for three months of rental assistance. Assistance for an additional three months may be granted if a waiver is approved and funds are available. The NJHMFA estimates that 1,750 homeowners will receive the maximum assistance amount of \$4,950 (\$825 per month for six months).

Flood Insurance & Duplication of Benefits

In March 2015 FEMA agreed to reopen and review the flood insurance claims of 144,000 Superstorm Sandy victims after policy holders claimed they were unfairly compensated. Federal regulations require the State to conduct a duplication of benefits analysis to ensure that applicants do not receive more federal funds than needed and program funds are used to meet an applicant's need after considering other funds they have received. As part of the duplication of benefits analysis, RREM applicants must report all assistance they have received to repair or reconstruct their homes from third party sources, such as the FEMA, Small Business Administration, or the Flood Insurance Program. These funds must be considered when the amount of the RREM grant is determined.

Recent news reports indicate that FEMA began sending letters to affected homeowners in early May 2015 offering them the opportunity to have their flood insurance claims reopened and reviewed by new caseworkers. A neutral third-party company will determine whether a homeowner will receive additional insurance payments. The FEMA has indicated that this process can take up to three months. The RREM program regulations require applicants to

commit to the State any future payments they may receive from sources that represent a potential duplication of benefits after the award amount is determined. If the department receives a waiver from the duplication of benefits requirement and homeowners are permitted to keep additional flood insurance payments that would normally be turned over to the State, then there would be a lesser amount of RREM funds that could be used to provide additional assistance to eligible applicants. This assumes that monies recovered by the State as “duplicate payments” are reinvested in CDBG-DR programs.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: David J. Rosen
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.).

ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

STATEMENT TO

[First Reprint]
SENATE, No. 2825

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 2015

The Assembly Housing and Community Development Committee reports favorably Senate Bill No. 2825 (1R) with committee amendments.

As amended, this bill would increase efficiency and transparency in the disbursement of assistance for residents affected by Superstorm Sandy. The bill requires the Department of Community Affairs to create a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through a recovery and rebuilding program, based upon the department's past experience administering funds through recovery and rebuilding programs. The bill also requires the department to provide personalized timelines to applicants for funding from the Reconstruction, Rehabilitation, Elevation and Mitigation Program (RREM), Low- and Moderate-Income Program (LMI) and Tenant-Based Rental Assistance Program (TBRA) and the Housing and Mortgage Finance Agency to provide personalized timelines to applicants for funding from the Fund for the Restoration of Multifamily Housing (FRM) based upon the applicants' individual applications.

The bill requires the department to establish quarterly goals for distributing Superstorm Sandy aid. At minimum, the targets must provide for the majority of eligible RREM and LMI applicants to receive 50 percent or more of RREM program funding that the department has awarded them by December 31, 2015. The department's targets must provide for all eligible RREM and LMI applicants to receive 100 percent of their RREM or LMI funding by September 30, 2017.

In addition to the department's timelines and targets, the bill requires the department to create an Internet website and telephone hotline to provide information about recovery and rebuilding programs. The Internet website will include: (1) a plain language explanation of every recovery and rebuilding program available to residents impacted by Superstorm Sandy; (2) a list of builders in the

qualified contractor pool; (3) a description of how Sandy aid has been distributed; (4) a full explanation of the criteria and process through which the department distributes assistance from recovery and rebuilding programs; and (5) a method for an applicant to submit a secure request for the status of his or her application for Superstorm Sandy aid.

Furthermore, this bill requires the Commissioner of Community Affairs to report to the Governor and the Legislature regarding the allocation of Community Development Block Grant Disaster Recovery (CDBG-DR) funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner must evaluate and determine the extent to which the department may provide unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes to persons, who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, as interim assistance for the applicants' mortgage payments and rent. The bill further requires the commissioner to submit a report to the Governor and Legislature regarding whether the use of Community Development Block Grant Disaster Recovery and other funds that may be available for relief efforts associated with Superstorm Sandy for interim assistance is appropriate. The report must include information concerning the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department and how the department intends to satisfy that need.

Finally, the bill directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015 a federal benefit that could in any way diminish the claimant's ability to recover other federal funding for Sandy recovery. The bill directs the department to take any available steps, including a waiver request to the United States Department of Housing and Urban Development or the Federal Emergency Management Agency, to ensure that National Flood Insurance Program payments made after May 18, 2015 do not operate as a bar to receiving other federal grant awards.

COMMITTEE AMENDMENTS:

1. Requires Department of Community Affairs to create and distribute personalized timelines to applicants for funding from the Low- and Moderate-Income Program (LMI), in addition to the Reconstruction, Rehabilitation, Elevation and Mitigation Program (RREM) and Tenant-Based Rental Assistance Program (TBRA), and the Housing and Mortgage Finance Agency to distribute personalized timelines to applicants for funding from the Fund for Restoration of

Multifamily Housing based upon the applicants' individual applications

2. Rather than referring an applicant only to a professional at the State housing recovery center serving the area in which the applicant resides, the bill now requires applicants to be referred to a counselor who is certified by the federal Department of Housing and Urban Development or is part of a program established by the department to provide housing counseling to people impacted by Superstorm Sandy.; and

3. The amendments make this bill identical to A4316 (1R).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2825

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JUNE 29, 2015

SUMMARY

- Synopsis:** Increases efficiency and transparency in distribution of Superstorm Sandy aid money.
- Type of Impact:** Indeterminate impact on State finances.
- Agencies Affected:** Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency

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 estimates that the enactment of Senate Bill No. 2825 (2R) would have an indeterminate impact on State finances. To the extent that the Department of Community Affairs (DCA) purchases new information technology systems that allows for individual application tracing, additional costs will be incurred.
- The OLS notes that there are at least five websites through which the State makes available assorted information regarding Superstorm Sandy recovery programs, the expenditure of federal disaster relief funds, the distribution of funds to eligible homeowners, businesses, and units of government, and program policies.
- The State's ability to meet Reconstruction, Rehabilitation, Elevation, and Mitigation (RREM) grant distribution deadline of September 30, 2017 will be driven by the pace of construction activity. Factors that impact the time-length of construction include the scope of work required and planning and zoning issues that require local approval.
- The federal government has approved the transfer of \$9.5 million in Social Services Block Grant funds from the Department of Human Services to the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to support short-term rental assistance to displaced homeowners participating in RREM and the Low-to-Moderate Income (LMI) Homeowners Rebuilding Program.

BILL DESCRIPTION

Senate Bill No. 2825 (2R) of 2015 proposes to increase the efficiency and transparency in the disbursement of assistance for residents affected by Superstorm Sandy. The bill requires the DCA to create a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through a recovery and rebuilding program, based upon the department's past experience administering funds through recovery and rebuilding programs. The bill also requires the department to provide personalized timelines to applicants for funding from the Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM), Low-to-Moderate-Income Homeowners Rebuilding Program (LMI), and Tenant-Based Rental Assistance Program (TBRA) and requires the New Jersey Housing and Mortgage Finance Agency to provide personalized timelines to applicants for funding from the Fund for the Restoration from Multifamily Housing (FRM) based upon the applicants' individual applications.

The bill requires the department to establish quarterly goals for distributing Superstorm Sandy aid. At a minimum, the targets must provide for the majority of eligible RREM and LMI applicants to receive 50 percent or more of RREM program funding that the department has awarded them by December 31, 2015. The department's targets must provide for all eligible RREM and LMI applicants to receive 100 percent of their RREM or LMI funding by September 30, 2017. In addition to the department's timelines and targets, the bill requires the department to create an Internet website and telephone hotline to provide information about recovery and rebuilding programs. The Internet website will include: (1) a plain language explanation of every recovery and rebuilding program available to residents impacted by Superstorm Sandy; (2) a list of builders in the qualified contractor pool; (3) a description of how Sandy aid has been distributed; (4) a full explanation of the criteria and process through which the department distributes assistance from recovery and rebuilding programs; and (5) a method for an applicant to submit a secure request for the status of his or her application for Superstorm Sandy aid.

The bill directs the Commissioner of Community Affairs to report to the Governor and the Legislature regarding the allocation of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner must evaluate and determine the extent to which the department may provide unused Community Development Block Grant-Disaster Recovery funds, and other funds that may be available for similar purposes, to persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, as interim assistance for the applicants' mortgage payments and rent. The bill further requires the commissioner to submit a report to the Governor and Legislature regarding whether the use of Community Development Block Grant Disaster Recovery and other funds that may be available for relief efforts associated with Superstorm Sandy for interim assistance is appropriate. The report must include information concerning the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department and how the department intends to satisfy that need.

Finally, the bill directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015 as a federal benefit that could in any way diminish that claimant's ability to recover other federal funding for Sandy recovery. The bill directs the department to take any available steps, including a waiver request to the United States Department of Housing and Urban Development or the Federal Emergency Management Agency, to ensure that payments that the National Flood Insurance Program made after May 18, 2015 do not operate as a bar to the receipt of other federal grant awards.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that the enactment of Senate Bill No. 2825 (2R) will have an indeterminate impact on State finances. The State may experience an increase in expenditures associated with the purchase of new information technology systems. The OLS notes that the four programs specifically addressed in the bill, the Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM), Low-to-Moderate Homeowners Rebuilding Program, Tenant-Based Rental Assistance (TBRA), and the Fund for the Restoration of Multifamily Housing (FRM), are supported entirely by federal funds. The total amount of federal recovery assistance allocated to these four programs, approximately \$2.021 billion, accounts for 48 percent of all CDBG-DR funds awarded to New Jersey following Superstorm Sandy. Changes to the pace at which these funds are distributed to eligible applicants will not affect State revenues and expenditures.

Information Technology Improvements

The bill requires the DCA to establish a new Internet website that would provide a wide array of information concerning recovery and rebuilding programs, establish targets for the distribution of Superstorm Sandy relief funds, and determine whether the Superstorm Sandy relief funds may be distributed to applicants as mortgage payments and rental assistance. The OLS notes that the State has already established at least five websites that provide information on Superstorm Sandy recovery efforts. To the extent that the DCA has to purchase new information technology systems that allow for application tracking, additional costs will be incurred.

Federal regulations governing the administration of CDBG-DR funds require grantees to maintain a public website that provides information accounting for how all grant funds are used, managed, and administered; the details of all contracts and ongoing procurement policies; the CDBG-DR Action Plan and all amendments; each quarterly performance report; and the status of goods and services being procured by the grantee. At www.renewjerseystronger.org, the DCA provides detailed information on CDBG-DR programs for homeowners, renters, landlords, developers, businesses, and local governments; a list of qualified RREM program contractors; the CDBG-DR Action Plan and subsequent amendments; and federally-mandated quarterly performance reports. The “Superstorm Sandy CDBG-DR Dashboard” allows the general public to view the amount of federal assistance obligated and awarded through all CDBG-DR supported programs Statewide, and by congressional district, legislative district, county, and municipality.

Additionally, the website for the DCA Sandy Recovery Division contains information on the different programs, housing recovery centers, construction contractor opportunities, and environmental reviews for the RREM Program and the Landlord Rental Repair Program. The “NJ Sandy Transparency” section of the website for the Office of the State Comptroller contains information on contracts awarded for a variety of purposes following Superstorm Sandy, program criteria, and program expenditure data available through the New Jersey Open Data Center. The Governor’s Office of Recovery and Rebuilding provides information on all federally-supported recovery initiatives. Instead of creating a new website, the DCA could

satisfy the requirements of the bill by adding, to any one of the aforementioned websites, any information that must be made available to the public and is not already posted on the Internet.

The DCA could also expand the capacity of any of these websites to provide an Internet-based application tracking system for eligible residents and businesses. In May 2014, New Jersey entered into a Voluntary Compliance and Conciliation Agreement (VCA) with the federal Department of Housing and Urban Development and affordable housing advocates in order to resolve fair housing complaints related to the distribution of CDBG-DR funds. The VCA requires the DCA to implement a system through which RREM program applicants can receive current information on the status of their application by telephone. The department has indicated that this system has been established, but is generally accessible Monday through Friday and only during regular business hours.

Targets for Selected CDBG-DR Programs

Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM)

The OLS notes that the bill requires the department to develop special targets for the RREM, TBRA, and FRM programs so that all applicants receive 50 percent or more of their grant award by December 31, 2015 and 100 percent of their grant award by September 30, 2017. According to the New Jersey Comprehensive Financial System, New Jersey has expended approximately \$652 million, or 48 percent, of the \$1.355 billion in CDBG-DR funds allocated to the RREM program. The OLS notes that changes to the RREM program guidelines, approved in May 2014, allow homeowners to receive 50 percent of their grant award upon selection of their contractor and completion of the contractor certification process. To receive the remaining grant funds, the homeowner must submit a request for reimbursement and documentation of proof of payment to the DCA. During the Fiscal Year 2016 budget process, the department indicated that it takes about six weeks for reimbursements to be distributed.

The State's ability to meet the September 30, 2017 distribution deadline will ultimately be driven by the pace of rebuilding activity. In its response to a Fiscal Year 2016 OLS Discussion Point, the department noted that almost 90 percent of homeowners in the RREM program are using an owner-selected contractor. They are directly managing their own construction and in control of the timeline for their project. While the DCA provides technical assistance, it is ultimately up to the homeowner and the builder to determine the construction schedule. Each RREM project is different. Factors that affect the length of construction include the scope of the reconstruction or rehabilitation required, whether elevation is necessary, and on-site issues that require approvals from local planning and zoning boards. The DCA also indicated that 940 homeowners have confirmed that construction on their home is complete.

Low-to-Moderate Income Homeowners Rebuilding Program (LMI)

The terms of the VCA require the State to allocate \$40 million for the LMI Homeowners Rebuilding Program. Of that amount a minimum of \$10 million is reserved for owners of manufactured housing whose homes were damaged by Hurricane Sandy. Funding not needed for the manufactured housing component of the LMI program will be distributed to homeowners not previously served by the RREM program whose homes suffered major or severe damage due to Superstorm Sandy. Applications for assistance under the LMI Homeowners Rebuilding Program were accepted from January 5, 2015 through March 20, 2015. The DCA has indicated that 1,005 applications were submitted for the LMI Homeowner Rebuilding Program. The department expected to serve approximately 200 households; this includes owners of manufactured housing units. During the Fiscal Year 2016 budget process, the department anticipated that funding recipients would begin signing grant awards in June 2015.

Tenant-Based Rental Assistance (TBRA)

Through CDBG-DR Action Plan Amendment Nos. 6 and 13, New Jersey has set aside \$32 million to provide tenant-based rental assistance vouchers, for up to two years, to low- and moderate-income households affected by Superstorm Sandy. Program guidelines indicate that eligible households must have an income at or below 80 percent of area median income and have lived in one of the nine counties most impacted and distressed by Superstorm Sandy, OR were directly impacted by Superstorm Sandy and previously received rental housing through the Federal Emergency Management Agency (FEMA), and the rental subsidy or rental unit are no longer available. The terms of the VCA require at least \$11.250 million to be set aside for households at or below 30% of area median income. TBRA guidelines indicate that the number of applicants selected from each of the nine counties will be determined according to each county's proportion of the total number of housing units that sustained severe damage.

In response to a Fiscal Year 2016 OLS Discussion Point the DCA indicated that a lottery was conducted in April 2015 to select 1,400 eligible applicants. Data provided by the department indicate that 78 percent of the applicants are from Atlantic, Monmouth, and Ocean Counties. Over 3,000 applications for assistance were submitted to DCA. Information available through www.renewjerseystronger.org indicates that letters and application packets have been sent to the first group of applicants selected in the lottery to seek documentation of household income and verification that they meet all program eligibility requirements. Letters and application packets will be sent to groups of 400 to 500 applicants throughout the spring and summer. The DCA anticipates that vouchers would be issued to qualified applicants in late May or early June of 2015.

Fund for the Restoration of Multi-Family Housing (FRM)

The FRM is intended to facilitate the construction of affordable housing in the nine counties most impacted and distressed by Superstorm Sandy. The CDBG-DR funds are awarded as loans to private for-profit and non-profit housing developers and public housing authorities capable of developing large multi-family housing developments. According to the New Jersey Housing and Mortgage Finance Agency, \$94.5 million has been expended to support 24 first round FRM projects currently under construction; approximately \$120 million has been committed for these projects. There are 12 additional FRM projects supported by the first round of CDBG-DR funding. On April 16, 2015, the NJHMFA announced that more than \$186.5 million in second round FRM funds were awarded to 18 projects in Atlantic, Essex, Hudson, Monmouth, and Ocean Counties. The department anticipates that over 4,000 affordable housing units will be created through the FRM. As with the RREM, the State's ability to meet the September 30, 2017 distribution deadline will ultimately be driven by the pace of rebuilding activity.

Mortgage Payment and Rental Assistance

The bill requires the DCA Commissioner to determine the extent to which unused CDBG-DR funds and other funds may be distributed as mortgage payments and rental assistance to persons with applications for assistance still pending before the department. The OLS notes that the State has received federal approval to reallocate \$9.5 million in Social Services Block Grant funds to provide short-term rental assistance to homeowners participating in the RREM program and the Low-to-Moderate Income Homeowners (LMI) Rebuilding Program. Eligible homeowners who have signed a grant agreement and are displaced due to the construction, elevation, or rehabilitation of their home may receive up to \$1,300 per month for three months of rental assistance. Assistance for an additional six months may be granted if a waiver is approved and funds are available. Approximately 1,200 homeowners will receive the maximum assistance amount of \$7,800 (\$1,300 per month for nine months).

Flood Insurance & Duplication of Benefits

In March 2015 FEMA agreed to reopen and review the flood insurance claims of 144,000 Superstorm Sandy victims after policy holders claimed they were unfairly compensated. Federal regulations require the State to conduct a duplication of benefits analysis to ensure that applicants do not receive more federal funds than needed and that program funds are used to meet a an applicant's need after considering other funds they have received. As part of the duplication of benefits analysis, RREM applicants must report all assistance they have received to repair or reconstruct their homes from third party sources, such as the FEMA, Small Business Administration, or the Flood Insurance Program. These funds must be considered when the amount of the RREM grant is determined.

Recent news reports indicate that FEMA began sending letters to affected homeowners in early May 2015 offering them the opportunity to have their flood insurance claims reopened and reviewed by new caseworkers. A neutral third-party company will determine whether a homeowner will receive additional insurance payments. The FEMA has indicated that this process can take up to three months. The RREM program regulations require applicants to commit to the State any future payments they may receive from sources that represent a potential duplication of benefits after the award amount is determined. If the department receives a waiver from the duplication of benefits requirement and homeowners are permitted to keep additional flood insurance payments that would normally be turned over to the State, then there would be a lesser amount of RREM funds that could be used to provide additional assistance to eligible applicants. This assumes that monies recovered by the State as "duplicate payments" are reinvested in CDBG-DR programs.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: David J. Rosen
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.).

ASSEMBLY, No. 4316

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 19, 2015

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

SYNOPSIS

Increases efficiency and transparency in distribution of Superstorm Sandy aid money.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning efficiency and transparency in the distribution
2 of Superstorm Sandy aid money and supplementing Title 52 of
3 the Revised Statutes.

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

7
8 1. The Legislature finds and declares that:

9 In the autumn of 2012, Superstorm Sandy ravaged New Jersey's
10 shoreline, as well as many other communities in the State. The
11 storm destroyed or damaged more than 72,000 of the State's homes
12 and businesses, has driven more than a quarter-million State
13 residents to seek governmental assistance, and has resulted in more
14 than \$36 billion in damage and recovery needs. In addition, due to
15 the time it has taken to distribute recovery aid following Superstorm
16 Sandy, many of those affected by the storm now face the reality of
17 foreclosure on their home mortgages. While New Jersey
18 communities have taken certain important steps toward recovery,
19 the work to rebuild is not yet complete.

20 Recognizing that there are numerous challenges associated with
21 the efficient and expedient distribution of federal recovery
22 resources following a disaster of the scale of Superstorm Sandy, the
23 processes for individuals and communities to obtain governmental
24 assistance has not been as fast as the Governor and the Legislature
25 would like, and can be improved. Although the reasons for delays in
26 obtaining assistance vary, the State has an obligation to those
27 affected by the storm to make the process of obtaining benefits as
28 user friendly and transparent as possible. For these reasons and
29 others, it is necessary for the Governor and the Legislature to codify
30 and expand upon standards and safeguards for the treatment of
31 individuals and communities seeking financial assistance in
32 recovering from Superstorm Sandy.

33
34 2. As used in P.L. , c. (C.) (pending before the
35 Legislature as this bill):

36 "Applicant" means an individual, or business that has applied
37 for, is applying for, or is receiving benefits under a recovery and
38 rebuilding program.

39 "Commissioner" means the Commissioner of Community
40 Affairs.

41 "Department" means the Department of Community Affairs.

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

43 "Qualified contractor pool" means a listing of contractors
44 approved by the Department of Community Affairs participating in
45 the RREM program.

46 "Recovery and rebuilding program" means the use of funding
47 provided by the federal government, in an amount \$10 million or
48 greater, for a program intended to help individuals and businesses

1 rebuild and recover from Superstorm Sandy, including, but not
2 limited to, the FRM and RREM programs.

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

5

6 3. Within 30 days of the effective date of P.L. , c. (C.)
7 (pending before the Legislature as this bill), the department shall:

8 a. Develop a timeline setting forth a general estimation of the
9 time in which an applicant can expect to receive assistance through
10 a recovery and rebuilding program, based upon the department's
11 past experience administering funds through recovery and
12 rebuilding programs. The timeline shall track the process of
13 applying for assistance from a recovery and rebuilding program
14 from the time an applicant files his or her application with the
15 department through the completion of the project for which the
16 applicant requested assistance.

17 b. Develop and provide to each applicant for assistance from
18 the RREM program a timeline setting forth an estimation of the
19 time in which the applicant can expect to receive assistance through
20 the RREM program that includes the following information as to his
21 or her individual application:

22 (1) When the applicant should expect to receive 50 percent of
23 the RREM grant money that the department has awarded the
24 applicant;

25 (2) When the applicant should expect to receive 100 percent of
26 the RREM grant money that the department has awarded the
27 applicant;

28 (3) When the applicant should expect the construction or
29 elevation project for which the department disbursed grant money
30 will be completed in compliance with all applicable local, State, and
31 federal building codes and regulations; and

32 (4) When the applicant should expect to receive a final
33 certificate of occupancy and grant closeout.

34

35 4. Within 30 days of the effective date of P.L. , c. (C.)
36 (pending before the Legislature as this bill), the department shall:

37 a. Develop targets for the distribution of assistance to
38 homeowners and renters for reimbursements and repairs through
39 recovery and rebuilding programs. The department shall establish
40 quarterly goals detailing the amount of assistance that the
41 department intends to disburse through recovery and rebuilding
42 programs. These goals shall be based upon the department's past
43 experience administering funds through recovery and rebuilding
44 programs and the experience of other states that have distributed
45 federal funds for disaster recovery.

46 b. Develop special targets for the RREM program that, at a
47 minimum, provide for all applicants to receive 50 percent or more
48 of RREM program funding that the department has awarded them

A4316 MAZZEO

1 by October 29, 2015 and for all applicants to have completed
2 RREM-funded construction and elevation projects, which meet all
3 applicable local, State, and federal building codes and regulations,
4 by October 29, 2016.

5

6 5. a. Within 60 days of the effective date of P.L. ,
7 c. (C.) (pending before the Legislature as this bill), the
8 department shall develop and maintain an Internet website or
9 webpage providing information concerning recovery and rebuilding
10 programs. The information on the website shall be searchable and
11 available as an interactive database, and shall:

12 (1) Allow verified residents of the State to create an account
13 with the website that allows the resident to monitor the status of his
14 or her application for assistance from a recovery and rebuilding
15 program.

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

20 (3) Provide information about the status of individual
21 applications submitted for assistance from a recovery and
22 rebuilding program, including:

23 (a) the date that the application was received;

24 (b) a checklist of all required documents or other verifications
25 related to the application and the date on which each document was
26 received; and

27 (c) a list of all documents or other verifications still needed to
28 complete the application and the date by which each item must be
29 received.

30 (4) Provide a comprehensive list of all pending and completed
31 appeals to the department concerning the denial of assistance or the
32 manner in which the department distributes assistance from
33 recovery and rebuilding programs, including:

34 (a) the date that the appeal was filed;

35 (b) a list of all documents related to the appeal and the date on
36 which each document was filed;

37 (c) a list of all pending reviews of appeals and any upcoming
38 hearings related to recovery and rebuilding programs scheduled before
39 the department; and

40 (d) the department's final determination.

41 (5) Provide contact information for each builder in the qualified
42 contractor pool, including each builder's telephone number and
43 Internet website address.

44 (6) Provide and update information regarding the expenditure of
45 recovery and rebuilding program funds and related contracts on the
46 Internet website on a monthly basis. A full and current explanation
47 of the criteria and process by which recovery and rebuilding
48 program applications are prioritized shall also appear on the

1 website. Changes to program policy, information on new contractor
2 awards, and the status of work performed pursuant to the contractor
3 awards shall be posted on the Internet website.

4 (7) Provide information on how all recovery and rebuilding
5 program funding has been and will be allocated on the Internet
6 website, including information about the allocation process for all
7 rounds of funding distribution.

8 (8) Provide information on how RREM program funding has
9 been and will be allocated on the Internet website, including:

10 (a) the total number of applications submitted for RREM
11 funding;

12 (b) the number of applicants that has received 50 percent or
13 more of the RREM grant money that the department has awarded
14 them;

15 (c) the number of applicants that has received 100 percent of the
16 RREM grant money that the department has awarded them;

17 (d) the number of applicants that has completed RREM-funded
18 construction or elevation projects in compliance with local, State,
19 and federal building codes and regulations; and

20 (e) the number of applicants that has received a final certificate
21 of occupancy and grant closeout.

22 b. The department shall develop and publish on the Internet
23 website the timeline for the disbursement of recovery and
24 rebuilding program assistance developed pursuant to section 3 of
25 P.L. , c. (C.) (pending before the Legislature as this bill).
26 The department shall make available on its Internet website
27 individualized timelines for the disbursement of RREM program
28 funding, developed pursuant to section 3 of P.L. , c. (C.)
29 (pending before the Legislature as this bill), which applicants may
30 access through their personal accounts with the website.

31 c. The department shall publish on the Internet website its
32 quarterly goals for the disbursement of recovery and rebuilding
33 program assistance developed pursuant to section 4 of P.L. ,
34 c. (C.) (pending before the Legislature as this bill). The
35 department shall publish its goals for the disbursement of RREM
36 program funding, developed pursuant to section 4 of P.L. ,
37 c. (C.) (pending before the Legislature as this bill).

38 d. The department shall publish on the Internet website the
39 commissioner's report on the use of Community Development Block
40 Grant Disaster Recovery funds and other funds that may be available
41 for similar purposes for interim assistance submitted to the Governor
42 and Legislature pursuant to section 6 of P.L. , c. (C.)
43 (pending before the Legislature as this bill).

44 e. In addition to publishing the information as required in
45 subsections a. through d. of this section, the department may
46 distribute the information by any other method it deems
47 appropriate.

1 6. a. Within 30 days of the effective date of P.L. ,
2 c. (C.) (pending before the Legislature as this bill), the
3 commissioner shall report to the Governor and the Legislature,
4 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), regarding
5 the allocation of Community Development Block Grant Disaster
6 Recovery funds and other funds that may be available for relief efforts
7 associated with Superstorm Sandy. The commissioner shall evaluate
8 and determine the extent to which the department may provide
9 unused Community Development Block Grant Disaster Recovery
10 funds and other funds that may be available for similar purposes to
11 persons, who have submitted an application for assistance from a
12 recovery and rebuilding program that is still pending before the
13 department, as interim assistance for the applicants' mortgage
14 payments and rent. If the commissioner determines that utilizing
15 unused Community Development Block Grant Disaster Recovery
16 funds, other funds that may be available for similar purposes, or both,
17 for interim assistance is inappropriate, then the commissioner shall
18 issue a report to the Governor and the Legislature, pursuant to
19 section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing why the use of
20 these funds for interim assistance is inappropriate. If the
21 commissioner determines that utilizing unused Community
22 Development Block Grant Disaster Recovery funds, other funds that
23 may be available for similar purposes, or both, for interim assistance is
24 appropriate, then the commissioner shall issue a report to the
25 Governor and the Legislature, pursuant to section 2 of P.L.1991,
26 c.164 (C.52:14-19.1), establishing a strategy for the rapid
27 disbursement of unused Community Development Block Grant
28 Disaster Recovery funds, other funds that may be available for similar
29 purposes, or both, for interim assistance.

30 b. The report required by this section shall include:

31 (1) an estimate of the total need for interim assistance among
32 persons who have submitted an application for assistance from a
33 recovery and rebuilding program that is still pending before the
34 department;

35 (2) the portion of the total need for interim assistance that the
36 department intends to meet through the rapid disbursement of unused
37 Community Development Block Grant Disaster Recovery funds and
38 other funds that may be available for similar purposes;

39 (3) the portion of the total need for interim assistance that the
40 department intends not to meet through the rapid disbursement of
41 unused Community Development Block Grant Disaster Recovery
42 funds and other funds that may be available for similar purposes; and

43 (4) the means by which the department will decide which
44 applicants will receive interim assistance if the department determines
45 that it cannot satisfy the full need for interim assistance among persons
46 who have submitted an application for assistance from a recovery
47 and rebuilding program that is still pending before the department.

1 7. This act shall take effect immediately.

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STATEMENT

5

6 This bill would increase efficiency and transparency in the
7 disbursement of assistance for residents affected by Superstorm
8 Sandy. This tragic storm inflicted immense damage to this State,
9 and has driven more than a quarter million State residents to seek
10 governmental assistance.

11 The bill requires the Department of Community Affairs to
12 establish a timeline setting forth a general estimation of the time in
13 which an applicant can expect to receive assistance through a
14 recovery and rebuilding program, based upon the department's past
15 experience administering funds through recovery and rebuilding
16 programs. The department must provide to each RREM program
17 applicant, an individualized timeline based upon the applicant's
18 individual application. The bill also requires the department to
19 establish quarterly goals for distributing Superstorm Sandy aid.
20 The bill requires the department to publish the timelines and its
21 funding goals on an Internet website, so the concerned residents of
22 this State can track the department's progress with the disbursement
23 of aid money.

24 In addition to the department's timelines and goals, the website
25 will include other relevant information concerning recovery and
26 rebuilding programs established in the wake of Superstorm Sandy.
27 The Internet webpage will allow verified residents to create an
28 account with the website to track the status of an application for
29 assistance through a recovery and rebuilding program. The
30 Internet website will also include: (1) a plain language explanation
31 of every recovery and rebuilding program available to residents
32 impacted by Superstorm Sandy; (2) a comprehensive list of all
33 pending and completed appeals to the department concerning its
34 disbursement of Superstorm Sandy aid money; (3) a list of builders
35 in the qualified contractor pool; (4) the status of any projects
36 awarded to builders in the qualified contractor pool that involve
37 Sandy aid money; (5) a description of how Sandy aid has been
38 distributed; and (6) a full explanation of the criteria and process
39 through which the department distributes assistance from recovery
40 and rebuilding programs.

41 In addition, this bill requires the Commissioner of Community
42 Affairs to report to the Governor and the Legislature regarding the
43 allocation of Community Development Block Grant Disaster
44 Recovery funds and other funds that may be available for relief efforts
45 associated with Superstorm Sandy. The commissioner must evaluate
46 and determine the extent to which the department may provide
47 unused Community Development Block Grant Disaster Recovery
48 funds and other funds that may be available for similar purposes to

A4316 MAZZEO

1 persons, who have submitted an application for assistance from a
2 recovery and rebuilding program that is still pending before the
3 department, as interim assistance for the applicants' mortgage
4 payments and rent. The bill further requires the commissioner to
5 submit a report to the Governor and Legislature regarding whether
6 the use of Community Development Block Grant Disaster Recovery
7 and other funds that may be available for relief efforts associated with
8 Superstorm Sandy for interim assistance is appropriate. The report
9 must include information concerning the total need for interim
10 assistance among persons who have submitted an application for
11 assistance from a recovery and rebuilding program that is still
12 pending before the department and how the department intends to
13 satisfy that need.

14 In the autumn of 2012, Superstorm Sandy ravaged New Jersey's
15 shoreline, as well as many other communities in the State. The
16 storm destroyed or damaged more than 72,000 of the State's homes
17 and businesses, has driven more than a quarter-million State
18 residents to seek governmental assistance, and has resulted in more
19 than \$36 billion in damage and recovery needs. Since Superstorm
20 Sandy, numerous challenges associated with the efficient and
21 expedient distribution of Superstorm Sandy aid money have arisen.
22 Consequently, this bill will codify and expand upon standards and
23 safeguards for the treatment of individuals and communities seeking
24 financial assistance in recovering from Superstorm Sandy.

ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4316

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 29, 2015

The Assembly Housing and Community Development Committee reports favorably Assembly Bill No. 4316 with committee amendments.

As amended, this bill would increase efficiency and transparency in the disbursement of assistance for residents affected by Superstorm Sandy. The bill requires the Department of Community Affairs to create a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through a recovery and rebuilding program, based upon the department's past experience administering funds through recovery and rebuilding programs. The bill also requires the department to provide personalized timelines to applicants for funding from the Reconstruction, Rehabilitation, Elevation and Mitigation Program (RREM), Low- and Moderate-Income Program (LMI) and Tenant-Based Rental Assistance Program (TBRA) and the Housing and Mortgage Finance Agency to provide personalized timelines to applicants for funding from the Fund for the Restoration of Multifamily Housing (FRM) based upon the applicants' individual applications.

The bill requires the department to establish quarterly goals for distributing Superstorm Sandy aid. At minimum, the targets must provide for the majority of eligible RREM and LMI applicants to receive 50 percent or more of RREM program funding that the department has awarded them by December 31, 2015. The department's targets must provide for all eligible RREM and LMI applicants to receive 100 percent of their RREM or LMI funding by September 30, 2017.

In addition to the department's timelines and targets, the bill requires the department to create an Internet website and telephone hotline to provide information about recovery and rebuilding programs. The Internet website will include: (1) a plain language explanation of every recovery and rebuilding program available to residents impacted by Superstorm Sandy; (2) a list of builders in the qualified contractor pool; (3) a description of how Sandy aid has been distributed; (4) a full explanation of the criteria and process through

which the department distributes assistance from recovery and rebuilding programs; and (5) a method for an applicant to submit a secure request for the status of his or her application for Superstorm Sandy aid.

Furthermore, this bill requires the Commissioner of Community Affairs to report to the Governor and the Legislature regarding the allocation of Community Development Block Grant Disaster Recovery (CDBG-DR) funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner must evaluate and determine the extent to which the department may provide unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes to persons, who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, as interim assistance for the applicants' mortgage payments and rent. The bill further requires the commissioner to submit a report to the Governor and Legislature regarding whether the use of Community Development Block Grant Disaster Recovery and other funds that may be available for relief efforts associated with Superstorm Sandy for interim assistance is appropriate. The report must include information concerning the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department and how the department intends to satisfy that need.

Finally, the bill directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015 a federal benefit that could in any way diminish the claimant's ability to recover other federal funding for Sandy recovery. The bill directs the department to take any available steps, including a waiver request to the United States Department of Housing and Urban Development or the Federal Emergency Management Agency, to ensure that National Flood Insurance Program payments made after May 18, 2015 do not operate as a bar to receiving other federal grant awards.

COMMITTEE AMENDMENTS:

1. Requires Department of Community Affairs to create and distribute personalized timelines to applicants for funding from the Reconstruction, Rehabilitation, Elevation and Mitigation Program (RREM), Low- and Moderate-Income Program (LMI), and Tenant-Based Rental Assistance Program (TBRA) and the Housing and Mortgage Finance Agency to distribute personalized timelines to applicants for funding from the Fund for Restoration of Multifamily Housing based upon the applicants' individual applications;

2. Increases amount of time provided to the department to implement the provisions of the bill;

3. Establishes a telephone hotline that applicants for Sandy funding may utilize to solicit information about their applications;

4. Directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015 a federal benefit that could in any way diminish the claimant's ability to recover other federal funding for Sandy recovery; and

5. Rather than referring an applicant only to a professional at the State housing recovery center serving the area in which the applicant resides, the bill now requires applicants to be referred to a counselor who is certified by the federal Department of Housing and Urban Development or is part of a program established by the department to provide housing counseling to people impacted by Superstorm Sandy.

6. The amendments make this bill identical to S2825 (2R).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4316

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JULY 6, 2015

SUMMARY

- Synopsis:** Increases efficiency and transparency in distribution of Superstorm Sandy aid money.
- Type of Impact:** Indeterminate impact on State finances.
- Agencies Affected:** Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency.

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 estimates that the enactment of Assembly Bill No. 4316 (1R) would have an indeterminate impact on State finances. To the extent that the Department of Community Affairs (DCA) purchases new information technology systems that allows for individual application tracing, additional costs will be incurred.
- The OLS notes that there are at least five websites through which the State makes available assorted information regarding Superstorm Sandy recovery programs, the expenditure of federal disaster relief funds, the distribution of funds to eligible homeowners, businesses, and units of government, and program policies.
- The State's ability to meet Reconstruction, Rehabilitation, Elevation, and Mitigation (RREM) grant distribution deadline of September 30, 2017 will be driven by the pace of construction activity. Factors that impact the time-length of construction include the scope of work required and planning and zoning issues that require local approval.
- The federal government has approved the transfer of \$9.5 million in Social Services Block Grant funds from the Department of Human Services to the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to support short-term rental assistance to displaced homeowners participating in RREM and the Low-to-Moderate Income (LMI) Homeowners Rebuilding Program.

BILL DESCRIPTION

Assembly Bill No. 4316 (1R) of 2015 proposes to increase the efficiency and transparency in the disbursement of assistance for residents affected by Superstorm Sandy. The bill requires the DCA to create a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through a recovery and rebuilding program, based upon the department's past experience administering funds through recovery and rebuilding programs. The bill also requires the department to provide personalized timelines to applicants for funding from the Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM), Low-to-Moderate-Income Homeowners Rebuilding Program (LMI), and Tenant-Based Rental Assistance Program (TBRA) and requires the New Jersey Housing and Mortgage Finance Agency (NJHMA) to provide personalized timelines to applicants for funding from the Fund for the Restoration from Multifamily Housing (FRM) based upon the applicants' individual applications.

The bill requires the department to establish quarterly goals for distributing Superstorm Sandy aid. At a minimum, the targets must provide for the majority of eligible RREM and LMI applicants to receive 50 percent or more of RREM program funding that the department has awarded them by December 31, 2015. The department's targets must provide for all eligible RREM and LMI applicants to receive 100 percent of their RREM or LMI funding by September 30, 2017. In addition to the department's timelines and targets, the bill requires the department to create an Internet website and telephone hotline to provide information about recovery and rebuilding programs. The Internet website will include: (1) a plain language explanation of every recovery and rebuilding program available to residents impacted by Superstorm Sandy; (2) a list of builders in the qualified contractor pool; (3) a description of how Sandy aid has been distributed; (4) a full explanation of the criteria and process through which the department distributes assistance from recovery and rebuilding programs; and (5) a method for an applicant to submit a secure request for the status of his or her application for Superstorm Sandy aid.

The bill directs the Commissioner of Community Affairs to report to the Governor and the Legislature regarding the allocation of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner must evaluate and determine the extent to which the department may provide unused Community Development Block Grant-Disaster Recovery funds, and other funds that may be available for similar purposes, to persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, as interim assistance for the applicants' mortgage payments and rent. The bill further requires the commissioner to submit a report to the Governor and Legislature regarding whether the use of Community Development Block Grant Disaster Recovery and other funds that may be available for relief efforts associated with Superstorm Sandy for interim assistance is appropriate. The report must include information concerning the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department and how the department intends to satisfy that need.

Finally, the bill directs the department to not consider a payment for claims made under the National Flood Insurance Program after May 18, 2015 as a federal benefit that could in any way diminish that claimant's ability to recover other federal funding for Sandy recovery. The bill directs the department to take any available steps, including a waiver request to the United States Department of Housing and Urban Development or the Federal Emergency Management Agency, to ensure that payments that the National Flood Insurance Program made after May 18, 2015 do not operate as a bar to the receipt of other federal grant awards.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that the enactment of Assembly Bill No. 4316 (1R) will have an indeterminate impact on State finances. The State may experience an increase in expenditures associated with the purchase of new information technology systems. The OLS notes that the four programs specifically addressed in the bill, the Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM), Low-to-Moderate Homeowners Rebuilding Program, Tenant-Based Rental Assistance (TBRA), and the Fund for the Restoration of Multifamily Housing (FRM), are supported entirely by federal funds. The total amount of federal recovery assistance allocated to these three programs, approximately \$2.021 billion, accounts for 48 percent of all CDBG-DR funds awarded to New Jersey following Superstorm Sandy. Changes to the pace at which these funds are distributed to eligible applicants will not affect State revenues and expenditures.

Information Technology Improvements

The bill requires the DCA to establish a new Internet website that would provide a wide array of information concerning recovery and rebuilding programs, establish targets for the distribution of Superstorm Sandy relief funds, and determine whether the Superstorm Sandy relief funds may be distributed to applicants as mortgage payments and rental assistance. The OLS notes that the State has already established at least five websites that provide information on Superstorm Sandy recovery efforts. To the extent that the DCA has to purchase new information technology systems that allow for application tracking, additional costs will be incurred.

Federal regulations governing the administration of CDBG-DR funds require grantees to maintain a public website that provides information accounting for how all grant funds are used, managed, and administered; the details of all contracts and ongoing procurement policies; the CDBG-DR Action Plan and all amendments; each quarterly performance report; and the status of goods and services being procured by the grantee. At www.renewjerseystronger.org, the DCA provides detailed information on CDBG-DR programs for homeowners, renters, landlords, developers, businesses, and local governments; a list of qualified RREM program contractors; the CDBG-DR Action Plan and subsequent amendments; and federally-mandated quarterly performance reports. The “Superstorm Sandy CDBG-DR Dashboard” allows the general public to view the amount of federal assistance obligated and awarded through all CDBG-DR supported programs Statewide, and by congressional district, legislative district, county, and municipality.

Additionally, the website for the DCA Sandy Recovery Division contains information on the different programs, housing recovery centers, construction contractor opportunities, and environmental reviews for the RREM Program and the Landlord Rental Repair Program. The “NJ Sandy Transparency” section of the website for the Office of the State Comptroller contains information on contracts awarded for a variety of purposes following Superstorm Sandy, program criteria, and program expenditure data available through the New Jersey Open Data Center. The Governor’s Office of Recovery and Rebuilding provides information on all federally-supported recovery initiatives. Instead of creating a new website, the DCA could satisfy the requirements of the bill by adding, to any one of the aforementioned websites, any information that must be made available to the public and is not already posted on the Internet.

The DCA could also expand the capacity of any of these websites to provide an Internet-based application tracking system for eligible residents and businesses. In May 2014, New Jersey entered into a Voluntary Compliance and Conciliation Agreement (VCA) with the federal Department of Housing and Urban Development and affordable housing advocates in order to resolve fair housing complaints related to the distribution of CDBG-DR funds. The VCA requires the DCA to implement a system through which RREM program applicants can receive current information on the status of their application by telephone. The department has indicated that this system has been established, but is generally accessible Monday through Friday and only during regular business hours.

Targets for Selected CDBG-DR Programs

Reconstruction, Rehabilitation, Elevation, and Mitigation Program (RREM)

The OLS notes that the bill requires the department to develop special targets for the RREM, TBRA, and FRM programs so that all applicants receive 50 percent or more of their grant award by December 31, 2015 and 100 percent of their grant award by September 30, 2017. According to the New Jersey Comprehensive Financial System, New Jersey has expended approximately \$652 million, or 48 percent, of the \$1.355 billion in CDBG-DR funds allocated to the RREM program. The OLS notes that changes to the RREM program guidelines, approved in May 2014, allow homeowners to receive 50 percent of their grant award upon selection of their contractor and completion of the contractor certification process. To receive the remaining grant funds, the homeowner must submit a request for reimbursement and documentation of proof of payment to the DCA. During the Fiscal Year 2016 budget process, the department indicated that it takes about six weeks for reimbursements to be distributed.

The State's ability to meet the September 30, 2017 distribution deadline will ultimately be driven by the pace of rebuilding activity. In its response to a Fiscal Year 2016 OLS Discussion Point, the department noted that almost 90 percent of homeowners in the RREM program are using an owner-selected contractor. They are directly managing their own construction and in control of the timeline for their project. While the DCA provides technical assistance, it is ultimately up to the homeowner and the builder to determine the construction schedule. Each RREM project is different. Factors that affect the length of construction include the scope of the reconstruction or rehabilitation required, whether elevation is necessary, and on-site issues that require approvals from local planning and zoning boards. The DCA also indicated that 940 homeowners have confirmed that construction on their home is complete.

Low-to-Moderate Income Homeowners Rebuilding Program (LMI)

The terms of the VCA require the State to allocate \$40 million for the LMI Homeowners Rebuilding Program. Of that amount a minimum of \$10 million is reserved for owners of manufactured housing whose homes were damaged by Hurricane Sandy. Funding not needed for the manufactured housing component of the LMI program will be distributed to homeowners not previously served by the RREM program whose homes suffered major or severe damage due to Superstorm Sandy. Applications for assistance under the LMI Homeowners Rebuilding Program were accepted from January 5, 2015 through March 20, 2015. The DCA has indicated that 1,005 applications were submitted for the LMI Homeowner Rebuilding Program. The department expected to serve approximately 200 households; this includes owners of manufactured housing units. During the Fiscal Year 2016 budget process, the department anticipated that funding recipients would begin signing grant awards in June 2015.

Tenant-Based Rental Assistance (TBRA)

Through CDBG-DR Action Plan Amendment Nos. 6 and 13, New Jersey has set aside \$32 million to provide tenant-based rental assistance vouchers, for up to two years, to low- and moderate-income households affected by Superstorm Sandy. Program guidelines indicate that eligible households must have an income at or below 80 percent of area median income and have lived in one of the nine counties most impacted and distressed by Superstorm Sandy, OR were directly impacted by Superstorm Sandy and previously received rental housing through the Federal Emergency Management Agency (FEMA), and the rental subsidy or rental unit are no longer available. The terms of the VCA require at least \$11.250 million to be set aside for households at or below 30 percent of area median income. The TBRA guidelines indicate that the number of applicants selected from each of the nine counties will be determined according to each county's proportion of the total number of housing units that sustained severe damage.

In response to a Fiscal Year 2016 OLS Discussion Point the DCA indicated that a lottery was conducted in April 2015 to select 1,400 eligible applicants. Data provided by the department indicate that 78 percent of the applicants are from Atlantic, Monmouth, and Ocean Counties. Over 3,000 applications for assistance were submitted to DCA. Information available through www.renewjerseystronger.org indicates that letters and application packets have been sent to the first group of applicants selected in the lottery to seek documentation of household income and verification that they meet all program eligibility requirements. Letters and application packets will be sent to groups of 400 to 500 applicants throughout the spring and summer. The DCA anticipated that vouchers would be issued to qualified applicants in late May or early June of 2015.

Fund for the Restoration of Multi-Family Housing (FRM)

The FRM is intended to facilitate the construction of affordable housing in the nine counties most impacted and distressed by Superstorm Sandy. CDBG-DR funds are awarded as loans to private for-profit and non-profit housing developers and public housing authorities capable of developing large multi-family housing developments. According to the New Jersey Housing and Mortgage Finance Agency, \$94.5 million has been expended to support 24 first round FRM projects currently under construction; approximately \$120 million has been committed for these projects. There are 12 additional FRM projects supported by the first round of CDBG-DR funding. On April 16, 2015, the NJHMFA announced that more than \$186.5 million in second round FRM funds were awarded to 18 projects in Atlantic, Essex, Hudson, Monmouth, and Ocean Counties. The department anticipates that over 4,000 affordable housing units will be created through the FRM. As with the RREM, the State's ability to meet the September 30, 2017 distribution deadline will ultimately be driven by the pace of rebuilding activity.

Mortgage Payment and Rental Assistance

The bill requires the DCA Commissioner to determine the extent to which unused CDBG-DR funds and other funds may be distributed as mortgage payments and rental assistance to persons with applications for assistance still pending before the department. The OLS notes that the State has received federal approval to reallocate \$9.5 million in Social Services Block Grant funds to provide short-term rental assistance to homeowners participating in the RREM program and the Low-to-Moderate Income Homeowners (LMI) Rebuilding Program. Eligible homeowners who have signed a grant agreement and are displaced due to the construction, elevation, or rehabilitation of their home may receive up to \$1,300 per month for three months of rental assistance. Assistance for an additional six months may be granted if a waiver is approved and funds are available. Approximately 1,200 homeowners will receive the maximum assistance amount of \$7,800 (\$1,300 per month for nine months).

Flood Insurance & Duplication of Benefits

In March 2015 FEMA agreed to reopen and review the flood insurance claims of 144,000 Superstorm Sandy victims after policy holders claimed they were unfairly compensated. Federal regulations require the State to conduct a duplication of benefits analysis to ensure that applicants do not receive more federal funds than needed and that program funds are used to meet a an applicant's need after considering other funds they have received. As part of the duplication of benefits analysis, RREM applicants must report all assistance they have received to repair or reconstruct their homes from third party sources, such as the FEMA, Small Business Administration, or the Flood Insurance Program. These funds must be considered when the amount of the RREM grant is determined.

Recent news reports indicate that FEMA began sending letters to affected homeowners in early May 2015 offering them the opportunity to have their flood insurance claims reopened and reviewed by new caseworkers. A neutral third-party company will determine whether a homeowner will receive additional insurance payments. The FEMA has indicated that this process can take up to three months. The RREM program regulations require applicants to commit to the State any future payments they may receive from sources that represent a potential duplication of benefits after the award amount is determined. If the department receives a waiver from the duplication of benefits requirement and homeowners are permitted to keep additional flood insurance payments that would normally be turned over to the State, then there would be a lesser amount of RREM funds that could be used to provide additional assistance to eligible applicants. This assumes that monies recovered by the State as "duplicate payments" are reinvested in CDBG-DR programs.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: David J. Rosen
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 Signs Bills To Expand Substance Abuse Recovery Efforts

Monday, August 10, 2015 Tags: [Addiction Taskforce](#)



Governor Christie Also Takes Action On Other Pending Legislation

Trenton, NJ – Affirming the administration’s commitment to helping those impacted by drug abuse and addiction reclaim their lives, Governor Chris Christie has signed measures to further assist the treatment and recovery process.

“We remain firmly committed to confronting the stigma of drug abuse and addiction in the Garden State,” said Governor Christie. “The legislation I have signed continues our efforts on these important fronts by providing a substance abuse housing recovery program for impacted students at our public colleges and universities as well as allowing medication-assisted treatment as part of our larger drug court treatment programs. These measures are another bold step to help people reclaim their lives and I want to thank Senator Vitale for his advocacy on these issues.”

S-2377/A-3719 (Senators Barnes, Vitale/Assemblymembers Pinkin, Mukherji) requires four-year public colleges and universities to establish a substance abuse recovery housing program within four years. The college may designate a floor, wing, or other area within a dormitory for the program, rather than an entire dorm. The legislation applies to Rutgers New Brunswick, Ramapo College, The College of New Jersey, Montclair State University, Rowan University, and Richard Stockton College of New Jersey. The Rutgers New Brunswick campus already has implemented a similar policy. Additionally, in December, the College of New Jersey received grant funding to establish a recovery housing program.

“New Jersey created the nation’s first college-based recovery housing programs and they have been a great success. Now, with the Governor’s signature, many more New Jersey college students in recovery will have a much greater opportunity to maintain their sobriety and to succeed in school and in life,” said Senator Joseph F. Vitale.

The second bill, S-2381/A-3723 (Senators Lesniak, Vitale/Assemblymembers Conaway, Mukherjee, Sumter, and Jimenez), allows for the completion of a special probation drug court program with use of medication-assisted treatment (MAT). The legislation further clarifies that any urine test for drug or alcohol use conducted in the course of the drug court program that shows a positive result for an individual using medication-assisted treatment would not constitute a program violation unless the positive test result is for substances unrelated to the individual’s MAT. Through this bill, the treatment provider rather than a judge can now decide whether narcotic-based treatment should be permitted for convicted offenders who have been admitted to the Drug Court program for drug abuse.

“Medication assisted treatment for Drug Court attendees, like all other clinical decisions made by a provider for their patient, is a critical component in a person’s treatment and recovery plan. I thank the Governor for his support of this legislation and his continued leadership and support of Drug Court programs,” Vitale added.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-122/A-4149 (A.R. Bucco, Addiego/Angelini, Simon, Vainieri Huttle, Wimberly) – Expands number of safe havens for leaving newborn infants

SCS for S-573/ACS for A-2443 (Smith, Sweeney/Burzichelli, Space, McHose) – Establishes apprentice firearm hunting license and apprentice bow and arrow license

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S-685/A-4306 (Lesniak, Whelan/Burzichelli, O'Scanlon) – Reduces number of voters for whom person can serve as messenger; limits to three number of voted mail-in ballots transmittable by bearer; modifies conviction standard under vote by mail law

S-736/ACS for A-3037, 2547, 3596, 2422 (T. Kean, Lesniak/Andrzejczak, Mukherji, Munoz, Lagana, Garcia, Jimenez, Dancer, Webber) – Establishes crimes of dog fighting and leader of a dog fighting network, and updates crime of animal fighting; amends RICO concerning dog fighting

S-756/A-3151 (Sarlo/Prieto, Jimenez) – Creates sporting facility license governing sale of alcoholic beverages under certain circumstances

S-1760/A-4212 (Allen, Ruiz, Turner/Vainieri Huttle, Angelini, Jasey) – Recognizes American Sign Language as a world language for meeting high school graduation requirements

S-1813/A-3123 (Whelan, Oroho/Burzichelli, Eustace, Andrzejczak, Mazzeo, Webber) – Requires each State agency to review permits issued by agency and make necessary changes to expedite and facilitate permitting

S-2003/ACS for A-4299 (Pou/Sumter, Mainor, Wimberly, Rodriguez-Gregg) – Makes certain reforms to juvenile justice system

S-2109/A-3344 (Oroho, O'Toole/McHose, Space) – Clarifies that county sheriff may simultaneously hold position of emergency management coordinator

S-2165/A-4374 (Cunningham, Pou/Sumter, Jasey) – Requires Secretary of Higher Education to adopt new comprehensive master plan within six months and every seven years thereafter

S-2377/A-3719 (Barnes, Vitale/Pinkin, Mukherji) – Directs certain four-year public institutions of higher education to establish substance abuse recovery housing program

SCS for S-2381/ACS for A-3723 (Lesniak, Vitale/Conaway, Mukherji, Sumter, Jimenez) – Permits successful completion of special probation drug court program notwithstanding use of medication-assisted treatment

S-2420/A-3838 (Smith, Bateman/McKeon, Eustace, Gusciora, Benson) – Increases electric power net metering capacity threshold to 2.9 percent of total annual kilowatt-hours sold in State

S-2454/A-3791 (Van Drew, Oroho/Stender, Auth, Andrzejczak, Clifton, Eustace, Garcia) – Streamlines responsibilities of Division of Local Government Services and local governments; designated as the Division of Local Government Services Modernization and Local Mandate Relief Act of 2015

S-2484/A-3845 (Codey, Turner/Jasey, Benson, Vainieri Huttle, McKeon) – Requires DOE to conduct study on options and benefits of instituting later school start time in middle school and high school

S-2508/A-3798 (Oroho, Whelan/McHose, Space) – Authorizes certain county veteran identification cards to serve as proof of status for veteran designation on driver's license or identification card

S-2559/A-4016 (Sweeney, Weinberg, O'Toole/Lagana, Mazzeo, Mosquera, Vainieri Huttle) – Removes presumption of nonimprisonment in certain assault cases involving domestic violence victims; expands criminal coercion statute; revises Pretrial Intervention procedures in certain criminal cases

SCS for S-2567/AS for A-4025 (Sweeney, Oroho, Smith, Greenstein, Thompson/Mazzeo, Andrzejczak, Space, McHose, Pinkin) – Creates "Fishing Buddy License"

S-2583/A-3836 (Allen, Bateman/Coughlin, Webber, Pinkin, Wilson, A.M. Bucco, Mukherji) – Upgrades simple assault to aggravated assault if committed against certain law enforcement officers and employees because of job status

S-2599/A-4121 (Bateman, Smith/Spencer, Schepisi) – Provides certain definitions for biofuels under "Motor Fuel Tax Act"

S-2825/A-4316 (Sweeney, Greenstein/Mazzeo) – Increases efficiency and transparency in distribution of Superstorm Sandy aid money

S-2995/A-3959 (Gordon/Eustace, Johnson, Caride, Vainieri Huttle) – Revises requirements for establishment of central municipal courts

S-3023/A-4558 (Ruiz, Oroho/McKeon, Spencer, Wimberly) – Appropriates \$4,750,000 from various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

SJR-17/AJR-79 (Beck, T. Kean/Angelini, Vainieri Huttle, McKeon, Mosquera, Pinkin, Coughlin, Wimberly) – Designates September of each year as "Hunger Action Month" in New Jersey

SJR-40/AJR-44 (Beach, Doherty/Wilson, McHose, Mazzeo, Tucker, DeAngelo) – Designates September as "Gold Star Mothers Appreciation Month"

SJR-60/AJR-83 (Beach/DeAngelo, Space) – Designates October of each year as "Lineman Appreciation Month"

A-4559/S-3022 (McKeon, Spencer, Wimberly/Codey, Doherty) – Appropriates \$88,592,361 from "Garden State Green Acres Preservation Trust Fund" and various Green Acres bond funds for local government open space acquisition and park development projects

BILLS VETOED:

S-300/A-4119 (Rice, Greenstein/Jasey, Quijano, DeCroce, Sumter, Wimberly) – CONDITIONAL – Establishes "New Jersey Out-of-School Time Advisory Commission" to review before-school, after-school, and summer programs

S-1195/A-2659 (Vitale, Allen, Weinberg/Vainieri Huttie, Gusciora, Jasey, Mosquera, McKeon) – ABSOLUTE - Revises procedure for issuance of amended birth certificate for person who has undergone change in sex

S-1593/A-213 (Turner, Ruiz/Gusciora, Eustace, Jasey, Quijano, Wimberly, Muoio) – ABSOLUTE – Establishes "Police Officer, Firefighter, Public School Teacher, Corrections Officer, and Sanitation Worker Home-buyer Assistance Act"; appropriates \$5 million

S-1621/A-2926 (Sweeney, Barnes/Lagana, Coughlin, Mosquera, Webber, Pinkin, Danielsen) – CONDITIONAL – Gives priority in training programs to long-term unemployed

S-1857/A-2699 (Codey, Turner/Vainieri Huttie, Jasey, Caputo, Wimberly) – CONDITIONAL – Establishes measures to deter steroid use among students; appropriates \$45,000 to DOE for New Jersey State Interscholastic Athletic Association testing of student-athletes for steroids and other performance enhancing substances

S-2049/A-3635 (Rice/Tucker, Caputo) – ABSOLUTE – Requires chairs of certain ward political party committees to have same rights and responsibilities as chairs of municipal political party committees; specifies certain cities not required to have municipal chairs

S-2058/A-3738 (Lesniak/Diegnan, Sumter) – CONDITIONAL – Authorizes establishment of three pilot recovery alternative high schools that provide high school education and substance dependency plan of recovery to test the effectiveness of this model

S-2360/A-3593 (Madden, Holzapfel/Johnson, Lagana, Bramnick, Danielsen, Wimberly, Jimenez) – CONDITIONAL – Requires notification of local law enforcement prior to expungement of certain mental health records of prospective firearms purchasers

S-2489/ACS for A-3859 (Sweeney, Whelan, Oroho/Greenwald, Coughlin, Bramnick, Singleton, Rible, Lagana) - CONDITIONAL – Permits public-private partnership agreements for certain building and highway infrastructure projects; provides for EDA oversight

S-2784/A-3856 (Van Drew, Whelan/Andrzejczak, Johnson) – CONDITIONAL – Provides maximum sales and use tax imposition amount for sales and uses of boats and vessels; establishes grace period for imposition of use tax on certain boats and vessels used by resident purchasers

S-2787/A-4273 (Sweeney/Singleton, Burzichelli, Giblin, Wilson, Prieto, Wimberly) – CONDITIONAL – Establishes vocational training pilot program in DOC; provides for inmate compensation for education and workforce training participation

S-3100/A-4605 (Gordon, Greenstein/Wimberly, Lagana, Singleton, Mazzeo) – ABSOLUTE – Requires State to pay its pension contributions on quarterly basis by August 1, November 1, February 1 and May 1 of each year

S-3107/A-4606 (Sweeney, Greenstein/Prieto, Singleton) – ABSOLUTE – Makes FY 2015 supplemental State appropriations totaling \$300,000,000 for prepayment of portion of FY 2016 employer contributions to State-administered public employee defined benefit retirement systems

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