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No

RH/CL

P.L. 2021, CHAPTER 126, *approved June 29, 2021*  
Senate, No. 1255 (*First Reprint*)

1 AN ACT concerning funding for special needs housing and  
2 amending <sup>1</sup>**[P.L.2004, c.70]** P.L.1968, c.49<sup>1</sup> and P.L.2005, c.163.

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

6  
7 <sup>1</sup>**[**1. Section 6 of P.L.2004, c.70 (C.34:1B-21.28) is amended to  
8 read as follows:

9 6. a. There is created within the authority a special nonlapsing  
10 fund, to be known as the "Motor Vehicle Surcharges Revenue  
11 Fund." The Motor Vehicle Surcharges Revenue Fund shall consist  
12 of:

13 (1) such moneys as may be appropriated to the Motor Vehicle  
14 Surcharges Revenue Fund by the Legislature and paid to the  
15 authority by the State Treasurer from Dedicated Motor Vehicle  
16 Surcharges Revenues;

17 (2) interest or other income derived from the investment of  
18 moneys in the Motor Vehicle Surcharges Revenue Fund; and

19 (3) any other moneys as may be deposited from time to time,  
20 except that such moneys shall not be appropriated from the General  
21 Fund.

22 b. In each State fiscal year during which the authority has  
23 outstanding bonds or refunding bonds which have been issued  
24 pursuant to this act, moneys in the Motor Vehicle Surcharges  
25 Revenue Fund may be used by the authority, in accordance with the  
26 provisions of any bond resolutions authorizing the issuance of  
27 bonds or refunding bonds pursuant to this act and any contract  
28 between the authority and the State Treasurer authorized and  
29 entered into pursuant to section 7 of **[this act]** P.L.2004, c.70  
30 (C.34:1B-21.29), to pay debt service payable on the authority's then  
31 outstanding bonds or refunding bonds issued pursuant to this act  
32 and any amounts due in connection with any agreements entered  
33 into pursuant to subsection c. of section 4 of **[this act]** P.L.2004,  
34 c.70 (C.34:1B-21.26) due in such fiscal year, to replenish any  
35 reserve or other fund established for such bonds or refunding bonds  
36 issued in accordance with subsection a. of section 4 of **[this act]**  
37 P.L.2004, c.70 (C.34:1B-21.26), and to pay any and all other  
38 additional amounts as shall be authorized by this act and required to  
39 be paid by the authority during such fiscal year, provided however,  
40 that the payment of all such amounts to the authority by the State  
41 Treasurer shall be subject to and dependent upon appropriations  
42 being made from time to time by the Legislature of the amounts  
43 thereof for the purposes of this act. Notwithstanding any other  
44 provision of any law, rule, regulation or order to the contrary, the

**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:

<sup>1</sup>Senate SCU committee amendments adopted February 9, 2021.

1 authority shall be paid only such amounts as shall be required by  
2 the provisions of any contract between the authority and the State  
3 Treasurer authorized and entered into pursuant to section 7 of **[this**  
4 **act]** P.L.2004, c.70 (C.34:1B-21.29) and the incurrence of any  
5 obligation of the State under any such contract, including any  
6 payments to be made thereunder, shall be subject to and dependent  
7 upon appropriations being made from time to time by the  
8 Legislature for the purposes of **[this act]** P.L.2004, c.70 (C.34:1B-  
9 21.23 et al.).

10 c. In each fiscal year beginning on or after July 1, 2006 but  
11 before July 1, 2020, all amounts on deposit in the Motor Vehicle  
12 Surcharges Revenue Fund in excess of the amount necessary to pay  
13 any amounts required to be paid by the authority pursuant to any  
14 bond resolutions authorizing the issuance of bonds or refunding  
15 bonds pursuant to this act or pursuant to any contract between the  
16 authority and the State Treasurer authorized or entered into  
17 pursuant to section 7 of **[this act]** P.L.2004, c.70 (C.34:1B-21.29)  
18 and payable during such fiscal year shall be transferred to the  
19 General Fund. In each fiscal year beginning on or after July 1,  
20 2020, all amounts on deposit in the Motor Vehicle Surcharges  
21 Revenue Fund in excess of the amount necessary to pay any  
22 amounts required to be paid by the authority pursuant to any bond  
23 resolutions authorizing the issuance of bonds or refunding bonds  
24 pursuant to P.L.2004, c.70 (C.34:1B-21-23 et al.) or pursuant to any  
25 contract between the authority and the State Treasurer authorized or  
26 entered into pursuant to section 7 of P.L.2004, c.70 (C.34:1B-21.29)  
27 and payable during such fiscal year shall be transferred to the  
28 Special Needs Housing Trust Fund, provided that the first  
29 \$7,500,000 of such moneys so transferred in each fiscal year shall  
30 be remitted to the "Alcohol Treatment Programs Fund" created in  
31 section 2 of P.L.2001, c.48 (C.26:2B-9.2).  
32 (cf: P.L.2004, c.70, s.6)**】**<sup>1</sup>  
33

34 <sup>1</sup>1. Section 4 of P.L.1968, c.49 (C.46:15-8) is amended to read  
35 as follows:

36 4. a. The proceeds of the fees collected by the county recording  
37 officer, as authorized by P.L.1968, c.49 (C.46:15-5 et seq.), shall be  
38 accounted for and remitted to the county treasurer.

39 b. (1) The county portion of the basic fee collected pursuant to  
40 paragraph (1) of subsection a. of section 3 of P.L.1968, c.49  
41 (C.46:15-7) shall be retained by the county treasurer for the use of  
42 the county.

43 (2) The State portion of the basic fee, the additional fee, and the  
44 general purpose fee shall be paid to the State Treasurer for the use  
45 of the State. Payments shall be made to the State Treasurer on the  
46 tenth day of each month following the month of collection.

1 c. (1) Amounts, not in excess of \$25,000,000, paid during the  
2 State fiscal year to the State Treasurer from the payment of the  
3 State portion of the basic fee shall be credited to the "Shore  
4 Protection Fund" created pursuant to section 1 of P.L.1992, c.148  
5 (C.13:19-16.1), in the manner established under that section.

6 (2) In addition to the amounts credited to the "Shore Protection  
7 Fund" pursuant to paragraph (1) of this subsection, amounts equal  
8 to \$12,000,000 in each of the first 10 years after the date of  
9 enactment of the "Highlands Water Protection and Planning Act,"  
10 P.L.2004, c.120 (C.13:20-1 et al.) and to \$5,000,000 in each year  
11 thereafter, paid during the State fiscal year to the State Treasurer  
12 from the payment of fees collected by the county recording officer  
13 other than the additional fee of \$0.75 for each ~~[\$500.00]~~ \$500 of  
14 consideration or fractional part thereof recited in the deed in excess  
15 of ~~[\$150,000.00]~~ \$150,000 shall be credited to the "Highlands  
16 Protection Fund" created pursuant to section 21 of P.L.2004, c.120  
17 (C.13:20-19), in the manner established under that section. No  
18 monies shall be credited to the "Highlands Protection Fund"  
19 pursuant to this paragraph until and unless the full amount of  
20 \$25,000,000 has first been credited to the "Shore Protection Fund"  
21 pursuant to paragraph (1) of this subsection.

22 (3) In addition to the amounts credited pursuant to paragraphs  
23 (1) and (2) of this subsection, commencing with the first State fiscal  
24 year next following the enactment of P.L. , c. (pending before  
25 the Legislature as this bill), an amount equal to \$20,000,000 shall  
26 annually be credited to the Special Needs Housing Trust Fund,  
27 created pursuant to section 1 of P.L.2005, c.163 (C.34:1B-21.25a),  
28 in the manner established under that section.

29 d. All amounts paid to the State Treasurer from the payment of  
30 the additional fee shall be credited to the Neighborhood  
31 Preservation Nonlapsing Revolving Fund established pursuant to  
32 P.L.1985, c.222 (C.52:27D-301 et al.), in the manner established  
33 under section 20 thereof (C.52:27D-320).<sup>1</sup>

34 (cf: P.L.2004, c.120, s.61)

35

36 2. Section 1 of P.L.2005, c.163 (C.34:1B-21.25a) is amended  
37 to read as follows:

38 1. a. The Legislature finds and declares that:

39 (1) The State of New Jersey has the responsibility of providing  
40 for and assuring the continued operation of safe and humane  
41 residences for individuals who require supportive housing or  
42 extended care in a community residence;

43 (2) The State of New Jersey requires additional funding to  
44 continue efforts to create permanent supportive housing and  
45 community residences as alternatives to institutionalization or  
46 homelessness for those who would benefit from these programs;

47 (3) The State of New Jersey requires immediate programs: (i) to  
48 create additional units of permanent supportive housing and

1 community residences through new construction or substantial  
2 rehabilitation; and (ii) to support community grants and loans to  
3 develop and ensure the long-term viability of such housing and  
4 residential opportunities for individuals with special needs with  
5 priority given to individuals with mental illness;

6 (4) Implementation of these programs will be a substantial step  
7 toward meeting the immediate and critical need of the people of  
8 New Jersey, will substantially further the public interest, and can  
9 most economically be financed through a bond issue;

10 (5) The establishment of the Special Needs Housing Trust Fund  
11 under the auspices of the New Jersey Housing and Mortgage  
12 Finance Agency, funded through the issuance of bonds by the New  
13 Jersey Economic Development Authority under the already  
14 authorized "Motor Vehicle Surcharges Securitization Act of 2004,"  
15 P.L.2004, c.70 (C.34:1B-21.23 et al.), is the most desirable means  
16 to provide funding and to implement the programs.

17 b. There is established in the agency a special nonlapsing,  
18 revolving fund to be known as the Special Needs Housing Trust  
19 Fund. The proceeds from the sale of bonds issued by the authority  
20 pursuant to the "Motor Vehicle Surcharges Securitization Act of  
21 2004," P.L.2004, c.70 (C.34:1B-21.23 et al.), to finance special  
22 needs housing projects pursuant to P.L.2005, c.163 (C.34:1B-  
23 21.25a et al.) and deposited into the Motor Vehicle Surcharges  
24 Securitization Proceeds Fund, together with such other funds as  
25 may be authorized by law, shall be paid by the authority to the  
26 agency for deposit into the Special Needs Housing Trust Fund  
27 based upon executed agreements between the authority and the  
28 State Treasurer. For the purpose of obtaining moneys from the  
29 authority to be deposited into the Special Needs Housing Trust  
30 Fund, the agency may enter into agreements with the authority to  
31 receive moneys from the authority for any purposes authorized by  
32 P.L.2005, c.163 (C.34:1B-21.25a et al.) and specified in the  
33 agreements between the agency and the authority. The proceeds of  
34 this fund shall be deposited in those depositories as may be selected  
35 by the agency to the credit of the fund.

36 c. Funds deposited into the Special Needs Housing Trust Fund  
37 shall be used by the agency to make loans, grants or other  
38 investments to finance or otherwise pay the costs of special needs  
39 housing projects, upon such terms as the agency shall determine. In  
40 making any of the foregoing loans, grants or other investments, the  
41 agency shall not be limited by any of the restrictions imposed by  
42 P.L.1983, c.530 (C.55:14K-1 et seq.) on eligible loans, funding or  
43 financial assistance for housing projects, or other financing  
44 vehicles, and shall give priority to special needs housing projects  
45 benefiting persons with mental illness. Special needs housing  
46 projects funded from the Special Needs Housing Trust Fund shall  
47 be eligible for exemption from real property taxation pursuant to  
48 subsection b. of section 37 of P.L.1983, c.530 (C.55:14K-37).

1 d. Pending their application to the purposes provided in  
2 P.L.2005, c.163 (C.34:1B-21.25a et al.), the moneys in the Special  
3 Needs Housing Trust Fund may be invested and reinvested as are  
4 other trust funds in the custody of the agency, in the manner  
5 provided by law. Net earnings received from the investment or  
6 deposit of moneys in the Special Needs Housing Trust Fund shall  
7 remain in such fund and be applied to the purposes set forth in  
8 P.L.2005, c.163 (C.34:1B-21.25a et al.).

9 e. The agency is authorized to promulgate the rules and  
10 regulations, policies and procedures necessary to effectuate the  
11 provisions and purposes of P.L.2005, c.163 (C.34:1B-21.25a et al.)  
12 in accordance with the "Administrative Procedure Act," P.L.1968,  
13 c.410 (C.52:14B-1 et seq.).  
14 (cf: P.L.2005, c.163, s.1)

15

16 3. This act shall take effect immediately.

17

18

19

20

21 \_\_\_\_\_  
22 Requires that certain realty transfer fee revenues be dedicated to  
Special Needs Housing Trust Fund.

# SENATE, No. 1255

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Requires that certain motor vehicle surcharge revenues be dedicated to the Special Needs Housing Trust Fund.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/17/2020)**



1 AN ACT concerning funding for special needs housing and  
2 amending P.L.2004, c.70 and P.L.2005, c.163.

3

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

6

7 1. Section 6 of P.L.2004, c.70 (C.34:1B-21.28) is amended to  
8 read as follows:

9 6. a. There is created within the authority a special nonlapsing  
10 fund, to be known as the "Motor Vehicle Surcharges Revenue  
11 Fund." The Motor Vehicle Surcharges Revenue Fund shall consist  
12 of:

13 (1) such moneys as may be appropriated to the Motor Vehicle  
14 Surcharges Revenue Fund by the Legislature and paid to the  
15 authority by the State Treasurer from Dedicated Motor Vehicle  
16 Surcharges Revenues;

17 (2) interest or other income derived from the investment of  
18 moneys in the Motor Vehicle Surcharges Revenue Fund; and

19 (3) any other moneys as may be deposited from time to time,  
20 except that such moneys shall not be appropriated from the General  
21 Fund.

22 b. In each State fiscal year during which the authority has  
23 outstanding bonds or refunding bonds which have been issued  
24 pursuant to this act, moneys in the Motor Vehicle Surcharges  
25 Revenue Fund may be used by the authority, in accordance with the  
26 provisions of any bond resolutions authorizing the issuance of  
27 bonds or refunding bonds pursuant to this act and any contract  
28 between the authority and the State Treasurer authorized and  
29 entered into pursuant to section 7 of **[this act]** P.L.2004, c.70  
30 (C.34:1B-21.29), to pay debt service payable on the authority's then  
31 outstanding bonds or refunding bonds issued pursuant to this act  
32 and any amounts due in connection with any agreements entered  
33 into pursuant to subsection c. of section 4 of **[this act]** P.L.2004,  
34 c.70 (C.34:1B-21.26) due in such fiscal year, to replenish any  
35 reserve or other fund established for such bonds or refunding bonds  
36 issued in accordance with subsection a. of section 4 of **[this act]**  
37 P.L.2004, c.70 (C.34:1B-21.26), and to pay any and all other  
38 additional amounts as shall be authorized by this act and required to  
39 be paid by the authority during such fiscal year, provided however,  
40 that the payment of all such amounts to the authority by the State  
41 Treasurer shall be subject to and dependent upon appropriations  
42 being made from time to time by the Legislature of the amounts  
43 thereof for the purposes of this act. Notwithstanding any other  
44 provision of any law, rule, regulation or order to the contrary, the  
45 authority shall be paid only such amounts as shall be required by

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

Matter underlined thus is new matter.

1 the provisions of any contract between the authority and the State  
2 Treasurer authorized and entered into pursuant to section 7 of **[this**  
3 **act]** P.L.2004, c.70 (C.34:1B-21.29) and the incurrence of any  
4 obligation of the State under any such contract, including any  
5 payments to be made thereunder, shall be subject to and dependent  
6 upon appropriations being made from time to time by the  
7 Legislature for the purposes of **[this act]** P.L.2004, c.70 (C.34:1B-  
8 21.23 et al.).

9 c. In each fiscal year beginning on or after July 1, 2006 but  
10 before July 1, 2020, all amounts on deposit in the Motor Vehicle  
11 Surcharges Revenue Fund in excess of the amount necessary to pay  
12 any amounts required to be paid by the authority pursuant to any  
13 bond resolutions authorizing the issuance of bonds or refunding  
14 bonds pursuant to this act or pursuant to any contract between the  
15 authority and the State Treasurer authorized or entered into  
16 pursuant to section 7 of **[this act]** P.L.2004, c.70 (C.34:1B-21.29)  
17 and payable during such fiscal year shall be transferred to the  
18 General Fund. In each fiscal year beginning on or after July 1,  
19 2020, all amounts on deposit in the Motor Vehicle Surcharges  
20 Revenue Fund in excess of the amount necessary to pay any  
21 amounts required to be paid by the authority pursuant to any bond  
22 resolutions authorizing the issuance of bonds or refunding bonds  
23 pursuant to P.L.2004, c.70 (C.34:1B-21-23 et al.) or pursuant to any  
24 contract between the authority and the State Treasurer authorized or  
25 entered into pursuant to section 7 of P.L.2004, c.70 (C.34:1B-21.29)  
26 and payable during such fiscal year shall be transferred to the  
27 Special Needs Housing Trust Fund, provided that the first  
28 \$7,500,000 of such moneys so transferred in each fiscal year shall  
29 be remitted to the "Alcohol Treatment Programs Fund" created in  
30 section 2 of P.L.2001, c.48 (C.26:2B-9.2).  
31 (cf: P.L.2004, c.70, s.6)

32

33 2. Section 1 of P.L.2005, c.163 (C.34:1B-21.25a) is amended  
34 to read as follows:

35 1. a. The Legislature finds and declares that:

36 (1) The State of New Jersey has the responsibility of providing  
37 for and assuring the continued operation of safe and humane  
38 residences for individuals who require supportive housing or  
39 extended care in a community residence;

40 (2) The State of New Jersey requires additional funding to  
41 continue efforts to create permanent supportive housing and  
42 community residences as alternatives to institutionalization or  
43 homelessness for those who would benefit from these programs;

44 (3) The State of New Jersey requires immediate programs: (i) to  
45 create additional units of permanent supportive housing and  
46 community residences through new construction or substantial  
47 rehabilitation; and (ii) to support community grants and loans to  
48 develop and ensure the long-term viability of such housing and

1 residential opportunities for individuals with special needs with  
2 priority given to individuals with mental illness;

3 (4) Implementation of these programs will be a substantial step  
4 toward meeting the immediate and critical need of the people of  
5 New Jersey, will substantially further the public interest, and can  
6 most economically be financed through a bond issue;

7 (5) The establishment of the Special Needs Housing Trust Fund  
8 under the auspices of the New Jersey Housing and Mortgage  
9 Finance Agency, funded through the issuance of bonds by the New  
10 Jersey Economic Development Authority under the already  
11 authorized "Motor Vehicle Surcharges Securitization Act of 2004,"  
12 P.L.2004, c.70 (C.34:1B-21.23 et al.), is the most desirable means  
13 to provide funding and to implement the programs.

14 b. There is established in the agency a special nonlapsing,  
15 revolving fund to be known as the Special Needs Housing Trust  
16 Fund. The proceeds from the sale of bonds issued by the authority  
17 pursuant to the "Motor Vehicle Surcharges Securitization Act of  
18 2004," P.L.2004, c.70 (C.34:1B-21.23 et al.), to finance special  
19 needs housing projects pursuant to P.L.2005, c.163 (C.34:1B-  
20 21.25a et al.) and deposited into the Motor Vehicle Surcharges  
21 Securitization Proceeds Fund, together with such other funds as  
22 may be authorized by law, shall be paid by the authority to the  
23 agency for deposit into the Special Needs Housing Trust Fund  
24 based upon executed agreements between the authority and the  
25 State Treasurer. For the purpose of obtaining moneys from the  
26 authority to be deposited into the Special Needs Housing Trust  
27 Fund, the agency may enter into agreements with the authority to  
28 receive moneys from the authority for any purposes authorized by  
29 P.L.2005, c.163 (C.34:1B-21.25a et al.) and specified in the  
30 agreements between the agency and the authority. The proceeds of  
31 this fund shall be deposited in those depositories as may be selected  
32 by the agency to the credit of the fund.

33 c. Funds deposited into the Special Needs Housing Trust Fund  
34 shall be used by the agency to make loans, grants or other  
35 investments to finance or otherwise pay the costs of special needs  
36 housing projects, upon such terms as the agency shall determine. In  
37 making any of the foregoing loans, grants or other investments, the  
38 agency shall not be limited by any of the restrictions imposed by  
39 P.L.1983, c.530 (C.55:14K-1 et seq.) on eligible loans, funding or  
40 financial assistance for housing projects, or other financing  
41 vehicles, and shall give priority to special needs housing projects  
42 benefiting persons with mental illness. Special needs housing  
43 projects funded from the Special Needs Housing Trust Fund shall  
44 be eligible for exemption from real property taxation pursuant to  
45 subsection b. of section 37 of P.L.1983, c.530 (C.55:14K-37).

46 d. Pending their application to the purposes provided in  
47 P.L.2005, c.163 (C.34:1B-21.25a et al.), the moneys in the Special  
48 Needs Housing Trust Fund may be invested and reinvested as are

1 other trust funds in the custody of the agency, in the manner  
2 provided by law. Net earnings received from the investment or  
3 deposit of moneys in the Special Needs Housing Trust Fund shall  
4 remain in such fund and be applied to the purposes set forth in  
5 P.L.2005, c.163 (C.34:1B-21.25a et al.).

6 e. The agency is authorized to promulgate the rules and  
7 regulations, policies and procedures necessary to effectuate the  
8 provisions and purposes of P.L.2005, c.163 (C.34:1B-21.25a et al.)  
9 in accordance with the "Administrative Procedure Act," P.L.1968,  
10 c.410 (C.52:14B-1 et seq.).  
11 (cf: P.L.2005, c.163, s.1)

12

13 3. This act shall take effect immediately.

14

15

16 STATEMENT

17

18 This bill requires that State motor vehicle surcharge revenues  
19 collected pursuant to P.L.2004, c.70 (C.34:1B-21.23 et al.) that are  
20 in excess of the amount necessary to pay the principal and interest  
21 on motor vehicle surcharges securitization bonds issued pursuant to  
22 P.L.2004, c.70 (C.34:1B-21.23 et al.) are to be deposited after June  
23 30, 2020 into the Special Needs Housing Trust Fund. Under current  
24 law, these excess funds are deposited in the General Fund. The bill  
25 would also authorize the Special Needs Housing Trust Fund to  
26 accept other funds that may be authorized by law.

27 The Special Needs Housing Trust Fund was established by  
28 P.L.2005, c.163 and supports the development and construction of  
29 community residences and permanent supportive housing for  
30 individuals with special needs. This program was initially funded  
31 in 2006 by \$200,000,000 from the proceeds of bonds issued by the  
32 New Jersey Economic Development Authority. The majority of  
33 those funds have been expended on the development and  
34 construction of community residences and permanent supportive  
35 housing for individuals with special needs, and this bill would  
36 provide additional funds to continue that mission.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 1255**

**STATE OF NEW JERSEY**

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Senate Bill No. 1255 (1R).

This bill requires that \$20 million of certain realty transfer fee revenues are to annually be credited to the Special Needs Housing Trust Fund beginning with the first fiscal year next following enactment of the bill. Under current law, these funds would otherwise be deposited in the General Fund. The bill would also authorize the Special Needs Housing Trust Fund to accept other funds that may be authorized by law.

As reported by the committee, Senate Bill No. 1255 (1R) is identical to Assembly Bill No. 1925 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1255**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 9, 2021

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 1255.

This bill, as amended, requires that \$20 million of certain realty transfer fee revenues are to annually be credited to the Special Needs Housing Trust Fund beginning with the first fiscal year next following enactment of the bill. Under current law, these funds would otherwise be deposited in the General Fund. The bill would also authorize the Special Needs Housing Trust Fund to accept other funds that may be authorized by law.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to provide funding for the Special Needs Housing Trust Fund from certain realty transfer fee revenues. Previously, the bill would have provided this funding from certain State motor vehicle surcharge revenues collected pursuant to P.L.2004, c.70 (C.34:1B-21.23 et al.).

# ASSEMBLY, No. 1925

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Co-Sponsored by:**

**Assemblyman Giblin, Assemblywomen Vainieri Huttle and Timberlake**

**SYNOPSIS**

Requires that certain motor vehicle surcharge revenues be dedicated to the Special Needs Housing Trust Fund.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/13/2020)**

1 AN ACT concerning funding for special needs housing and  
2 amending P.L.2004, c.70 and P.L.2005, c.163.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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9 6. a. There is created within the authority a special nonlapsing  
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11 Fund." The Motor Vehicle Surcharges Revenue Fund shall consist  
12 of:

13 (1) such moneys as may be appropriated to the Motor Vehicle  
14 Surcharges Revenue Fund by the Legislature and paid to the  
15 authority by the State Treasurer from Dedicated Motor Vehicle  
16 Surcharges Revenues;

17 (2) interest or other income derived from the investment of  
18 moneys in the Motor Vehicle Surcharges Revenue Fund; and

19 (3) any other moneys as may be deposited from time to time,  
20 except that such moneys shall not be appropriated from the General  
21 Fund.

22 b. In each State fiscal year during which the authority has  
23 outstanding bonds or refunding bonds which have been issued  
24 pursuant to this act, moneys in the Motor Vehicle Surcharges  
25 Revenue Fund may be used by the authority, in accordance with the  
26 provisions of any bond resolutions authorizing the issuance of  
27 bonds or refunding bonds pursuant to this act and any contract  
28 between the authority and the State Treasurer authorized and  
29 entered into pursuant to section 7 of **[this act]** P.L.2004, c.70  
30 (C.34:1B-21.29), to pay debt service payable on the authority's then  
31 outstanding bonds or refunding bonds issued pursuant to this act  
32 and any amounts due in connection with any agreements entered  
33 into pursuant to subsection c. of section 4 of **[this act]** P.L.2004,  
34 c.70 (C.34:1B-21.26) due in such fiscal year, to replenish any  
35 reserve or other fund established for such bonds or refunding bonds  
36 issued in accordance with subsection a. of section 4 of **[this act]**  
37 P.L.2004, c.70 (C.34:1B-21.26), and to pay any and all other  
38 additional amounts as shall be authorized by this act and required to  
39 be paid by the authority during such fiscal year, provided however,  
40 that the payment of all such amounts to the authority by the State  
41 Treasurer shall be subject to and dependent upon appropriations  
42 being made from time to time by the Legislature of the amounts  
43 thereof for the purposes of this act. Notwithstanding any other  
44 provision of any law, rule, regulation or order to the contrary, the  
45 authority shall be paid only such amounts as shall be required by

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

Matter underlined thus is new matter.



1 the provisions of any contract between the authority and the State  
2 Treasurer authorized and entered into pursuant to section 7 of **[this**  
3 **act]** P.L.2004, c.70 (C.34:1B-21.29) and the incurrence of any  
4 obligation of the State under any such contract, including any  
5 payments to be made thereunder, shall be subject to and dependent  
6 upon appropriations being made from time to time by the  
7 Legislature for the purposes of **[this act]** P.L.2004, c.70 (C.34:1B-  
8 21.23 et al.).

9 c. In each fiscal year beginning on or after July 1, 2006 but  
10 before July 1, 2020, all amounts on deposit in the Motor Vehicle  
11 Surcharges Revenue Fund in excess of the amount necessary to pay  
12 any amounts required to be paid by the authority pursuant to any  
13 bond resolutions authorizing the issuance of bonds or refunding  
14 bonds pursuant to this act or pursuant to any contract between the  
15 authority and the State Treasurer authorized or entered into  
16 pursuant to section 7 of **[this act]** P.L.2004, c.70 (C.34:1B-21.29)  
17 and payable during such fiscal year shall be transferred to the  
18 General Fund. In each fiscal year beginning on or after July 1,  
19 2020, all amounts on deposit in the Motor Vehicle Surcharges  
20 Revenue Fund in excess of the amount necessary to pay any  
21 amounts required to be paid by the authority pursuant to any bond  
22 resolutions authorizing the issuance of bonds or refunding bonds  
23 pursuant to P.L.2004, c.70 (C.34:1B-21-23 et al.) or pursuant to any  
24 contract between the authority and the State Treasurer authorized or  
25 entered into pursuant to section 7 of P.L.2004, c.70 (C.34:1B-21.29)  
26 and payable during such fiscal year shall be transferred to the  
27 Special Needs Housing Trust Fund, provided that the first  
28 \$7,500,000 of such moneys so transferred in each fiscal year shall  
29 be remitted to the "Alcohol Treatment Programs Fund" created in  
30 section 2 of P.L.2001, c.48 (C.26:2B-9.2).  
31 (cf: P.L.2004, c.70, s.6)

32  
33 2. Section 1 of P.L.2005, c.163 (C.34:1B-21.25a) is amended  
34 to read as follows:

35 1. a. The Legislature finds and declares that:

36 (1) The State of New Jersey has the responsibility of providing  
37 for and assuring the continued operation of safe and humane  
38 residences for individuals who require supportive housing or  
39 extended care in a community residence;

40 (2) The State of New Jersey requires additional funding to  
41 continue efforts to create permanent supportive housing and  
42 community residences as alternatives to institutionalization or  
43 homelessness for those who would benefit from these programs;

44 (3) The State of New Jersey requires immediate programs: (i) to  
45 create additional units of permanent supportive housing and  
46 community residences through new construction or substantial  
47 rehabilitation; and (ii) to support community grants and loans to  
48 develop and ensure the long-term viability of such housing and

1 residential opportunities for individuals with special needs with  
2 priority given to individuals with mental illness;

3 (4) Implementation of these programs will be a substantial step  
4 toward meeting the immediate and critical need of the people of  
5 New Jersey, will substantially further the public interest, and can  
6 most economically be financed through a bond issue;

7 (5) The establishment of the Special Needs Housing Trust Fund  
8 under the auspices of the New Jersey Housing and Mortgage  
9 Finance Agency, funded through the issuance of bonds by the New  
10 Jersey Economic Development Authority under the already  
11 authorized "Motor Vehicle Surcharges Securitization Act of 2004,"  
12 P.L.2004, c.70 (C.34:1B-21.23 et al.), is the most desirable means  
13 to provide funding and to implement the programs.

14 b. There is established in the agency a special nonlapsing,  
15 revolving fund to be known as the Special Needs Housing Trust  
16 Fund. The proceeds from the sale of bonds issued by the authority  
17 pursuant to the "Motor Vehicle Surcharges Securitization Act of  
18 2004," P.L.2004, c.70 (C.34:1B-21.23 et al.), to finance special  
19 needs housing projects pursuant to P.L.2005, c.163 (C.34:1B-  
20 21.25a et al.) and deposited into the Motor Vehicle Surcharges  
21 Securitization Proceeds Fund, together with such other funds as  
22 may be authorized by law, shall be paid by the authority to the  
23 agency for deposit into the Special Needs Housing Trust Fund  
24 based upon executed agreements between the authority and the  
25 State Treasurer. For the purpose of obtaining moneys from the  
26 authority to be deposited into the Special Needs Housing Trust  
27 Fund, the agency may enter into agreements with the authority to  
28 receive moneys from the authority for any purposes authorized by  
29 P.L.2005, c.163 (C.34:1B-21.25a et al.) and specified in the  
30 agreements between the agency and the authority. The proceeds of  
31 this fund shall be deposited in those depositories as may be selected  
32 by the agency to the credit of the fund.

33 c. Funds deposited into the Special Needs Housing Trust Fund  
34 shall be used by the agency to make loans, grants or other  
35 investments to finance or otherwise pay the costs of special needs  
36 housing projects, upon such terms as the agency shall determine. In  
37 making any of the foregoing loans, grants or other investments, the  
38 agency shall not be limited by any of the restrictions imposed by  
39 P.L.1983, c.530 (C.55:14K-1 et seq.) on eligible loans, funding or  
40 financial assistance for housing projects, or other financing  
41 vehicles, and shall give priority to special needs housing projects  
42 benefiting persons with mental illness. Special needs housing  
43 projects funded from the Special Needs Housing Trust Fund shall  
44 be eligible for exemption from real property taxation pursuant to  
45 subsection b. of section 37 of P.L.1983, c.530 (C.55:14K-37).

46 d. Pending their application to the purposes provided in  
47 P.L.2005, c.163 (C.34:1B-21.25a et al.), the moneys in the Special  
48 Needs Housing Trust Fund may be invested and reinvested as are

1 other trust funds in the custody of the agency, in the manner  
2 provided by law. Net earnings received from the investment or  
3 deposit of moneys in the Special Needs Housing Trust Fund shall  
4 remain in such fund and be applied to the purposes set forth in  
5 P.L.2005, c.163 (C.34:1B-21.25a et al.).

6 e. The agency is authorized to promulgate the rules and  
7 regulations, policies and procedures necessary to effectuate the  
8 provisions and purposes of P.L.2005, c.163 (C.34:1B-21.25a et al.)  
9 in accordance with the "Administrative Procedure Act," P.L.1968,  
10 c.410 (C.52:14B-1 et seq.).

11 (cf: P.L.2005, c.163, s.1)

12

13 3. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 This bill requires that State motor vehicle surcharge revenues  
19 collected pursuant to P.L.2004, c.70 (C.34:1B-21.23 et al.) that are  
20 in excess of the amount necessary to pay the principal and interest  
21 on motor vehicle surcharges securitization bonds issued pursuant to  
22 P.L.2004, c.70 (C.34:1B-21.23 et al.) are to be deposited after June  
23 30, 2012 into the Special Needs Housing Trust Fund. Under current  
24 law, these excess funds are deposited in the General Fund. The bill  
25 would also authorize the Special Needs Housing Trust Fund to  
26 accept other funds that may be authorized by law.

27 The Special Needs Housing Trust Fund was established by  
28 P.L.2005, c.163 and supports the development and construction of  
29 community residences and permanent supportive housing for  
30 individuals with special needs. This program was initially funded  
31 in 2006 by \$200,000,000 from the proceeds of bonds issued by the  
32 New Jersey Economic Development Authority. The majority of  
33 those funds have been expended on the development and  
34 construction of community residences and permanent supportive  
35 housing for individuals with special needs, and this bill would  
36 provide additional funds to continue that mission.

# ASSEMBLY HOUSING COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1925

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Housing Committee reports favorably and with committee amendments Assembly Bill No. 1925.

This bill, as amended, requires that \$20 million of certain realty transfer fee revenues are to annually be credited to the Special Needs Housing Trust Fund beginning with the first fiscal year next following enactment of the bill. Under current law, these funds would otherwise be deposited in the General Fund. The bill would also authorize the Special Needs Housing Trust Fund to accept other funds that may be authorized by law.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended, this bill is identical to Senate Bill No. 1255 (1R).

#### COMMITTEE AMENDMENTS:

The committee amended the bill to provide funding for the Special Needs Housing Trust Fund from certain realty transfer fee revenues. Previously, the bill would have provided this funding from certain State motor vehicle surcharge revenues collected pursuant to P.L.2004, c.70 (C.34:1B-21.23 et al.).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1925**

**STATE OF NEW JERSEY**

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1925 (1R).

This bill requires that \$20 million of certain realty transfer fee revenues are to annually be credited to the Special Needs Housing Trust Fund beginning with the first fiscal year next following enactment of the bill. Under current law, these funds would otherwise be deposited in the General Fund. The bill would also authorize the Special Needs Housing Trust Fund to accept other funds that may be authorized by law.

As reported by the committee, Assembly Bill No. 1925 (1R) is identical to Senate Bill No. 1255 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

# Governor Murphy Takes Action on Legislation

06/29/2021

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law.

**A-13/S-4000 (Freiman, Armato, Pintor Marin, Mazzeo, Houghtaling, Coughlin/Sarlo, Sweeney, Addiego)** – Establishes "New Jersey Debt Defeasance and Prevention Fund," appropriates \$3.7 billion.

**S-1255/A-1925 (Singleton, Pou/Wimberly, Reynolds-Jackson, Tucker)** - Requires that certain realty transfer fee revenues be dedicated to the Special Needs Housing Trust Fund.

**S-3949/A-5871 (Sarlo, Cunningham/Pintor Marin, Burzichelli)** – FY 2021 State supplemental appropriation; appropriates \$100.3 million in General Fund monies and \$14.4 million in Property Tax Relief Fund monies.

**A-12/S-3997 (Coughlin, McKeon, Jasey, McKnight, Chiaravalloti/Addiego, Cunningham)** – "New Jersey College Affordability Act"; appropriates \$10 million.

**A-5539/S-3954 (Burzichelli, Benson, Zwicker/Sarlo, Sweeney)** – Provides partial pension and retirement income exclusion for taxpayers with incomes between \$100,000 and \$150,000.

**A-5345/S-3428 (Reynolds-Jackson, Mukherji, Vainieri Huttel/Lagana, Ruiz)** – Expands eligibility under New Jersey earned income tax credit program to allow taxpayers who are at least 18 years of age or older to qualify for modified benefit.

**A-5520/S-3633 (Vainieri Huttel, McKnight, Benson/T. Kean, Diegnan)** – Increases income eligibility limits for PAAD program and Senior Gold Prescription Discount Program by \$10,000.

**S-3798/A-5805 (Vitale, Turner/Lopez, Benson, Johnson)** – Eliminates premiums and waiting periods for certain NJ FamilyCare enrollees and directs DHS to implement additional targeted outreach initiatives to increase enrollment.

# Governor Murphy Signs Legislation Appropriating \$20 Million to the Special Needs Housing Trust Fund

06/29/2021

**TRENTON** – Today, Governor Murphy signed legislation (S1255/ A1925) which creates a \$20 million transfer to the Special Needs Housing Trust Fund in the Housing and Mortgage Finance Agency (HMFA). The Special Needs Housing Trust Fund provides capital financing to create supportive housing and community residences for individuals living with special needs.

“The Special Needs Housing Trust Fund has been depleted, despite it’s critical role in supporting housing projects for some of the state’s most vulnerable populations,” **said Governor Murphy**. “This legislation will provide much needed funding, which will be used to provide affordable housing for those with special needs. With this bill now being law, the Housing and Mortgage Finance Agency can immediately begin developing plans for this crucial housing need.”

Primary sponsors for S1255 are Senators Troy Singleton and Nellie Pou, and Assemblymembers Benjie E. Wimberly, Verlina Reynolds-Jackson, and Cleopatra G. Tucker.

“Since joining the Legislature, I have worked tirelessly to improve access to housing for every resident of New Jersey,” **said Senator Troy Singleton**. “This includes working to provide funding for special needs housing, which can be especially challenging to find. With this new law, it is my hope that the Special Needs Housing Trust Fund will continue its important work of developing and constructing residences for individuals with special needs.”

“The Special Needs Housing Trust Fund is about funding the construction of housing for one of our most vulnerable populations, individuals with special needs who require supportive housing in safe, humane residences,” **said Senator Nellie Pou**. “After the original funding was depleted, it was important we moved quickly, yet methodically, to ensure we could find a dedicated source of funding for the continual construction of this housing.”

“The Special Needs Housing Trust Fund has long-supported communities in providing adequate housing options for residents with special needs,” **said Assemblymembers Benjie Wimberly, Verlina Reynolds-Jackson, and Cleopatra Tucker, in a joint statement**. “Housing accommodations can be a challenge for residents with disabilities, whether it is providing special ramps or appliances they require to perform simple daily tasks. With the signing of this legislation, we ensure the trust fund is able to continue its work for years to come with a dedicated funding source.”

S1255 creates a transfer of \$20 million from the Affordable Housing Trust Fund, which has recently seen a significant increase due to the high volume of real estate sales, to the Special Needs Housing Trust Fund. The funding will be used to provide support for housing projects that benefit those living with special needs.

“There is an imperative to develop more good, quality affordable housing for people with disabilities – housing that meets the needs and preferences of New Jersey’s large and diverse disability community,” **said Paul S. Aronsohn, State Ombudsman for Individuals with Intellectual or Developmental Disabilities and Their Families**. “This legislation recognizes that imperative and addresses it in a meaningful way.”

"It is particularly fitting that June marks the 22nd anniversary of the Supreme Court ruling affirming the rights of people with disabilities to live in the community that the Governor signed this bill today," **said Diane Riley, Executive Director of the Supportive Housing Association of New Jersey.** "This law puts funding aside that will create opportunities to build more homes in every community for the thousands of people who struggle with barriers but can thrive with the supports they need."