

40A:12A-46

**LEGISLATIVE HISTORY CHECKLIST**  
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(Housing--study courses)

NJSA: 40A:12A-46

LAWS OF: 1997 CHAPTER: 27

BILL NO: S1268

SPONSOR(S): O'Connor & others

DATE INTRODUCED: June 3, 1996

COMMITTEE: ASSEMBLY: ---  
SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by  
First reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 29, 1997  
SENATE: February 20, 1997

DATE OF APPROVAL: March 7, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No  
SENATE: Yes

FISCAL NOTE: No

VE TO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]  
SENATE, No. 1268

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senators O'CONNOR, BENNETT, Sacco and McGreevey

1 AN ACT concerning study courses required of local housing authority  
2 and municipal redevelopment agency members, <sup>1</sup>**[and]**<sup>1</sup> amending  
3 P.L.1992, c.79 and making an appropriation<sup>1</sup>.

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

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8 <sup>1</sup>**[1.** Section 45 of P.L.1992, c.79 (C.40A:12A-45) is amended to  
9 read as follows:

10 45. The Commissioner of Community Affairs shall prescribe and  
11 enforce standards for the curriculum and administration of a course of  
12 study as he deems appropriate, the object of which shall be to assist  
13 members and executive directors of local housing authorities and  
14 municipal redevelopment agencies to acquire the knowledge and skills  
15 necessary to oversee and administer the operations of such authorities  
16 or agencies in accordance with current law and in the best interests of  
17 the citizens served by such authorities. The commissioner shall adopt  
18 the standards by administrative rule, pursuant to the provisions of the  
19 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
20 seq.).

21 The course shall consist of instruction in the principles of housing  
22 and redevelopment, which may include, but not be limited to,  
23 construction management and code compliance, financial management  
24 and public administration, and such other topics as the commissioner  
25 may deem appropriate. The commissioner shall, to the greatest extent  
26 possible, cooperate with organizations of housing authority  
27 representatives and redevelopment agency representatives, and shall  
28 consult with Rutgers, The State University, and other educational  
29 institutions in establishing the standards for the curriculum and  
30 administration of the course of study, as provided above. The  
31 commissioner shall include as part of the prescribed course of study a

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 SCO committee amendments adopted January 14, 1997.

1 home-study option for members of an authority or agency.

2 (cf: P.L.1992, c.79, s.45)]<sup>1</sup>

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4 <sup>1</sup>[2.] 1.<sup>1</sup> Section 46 of P.L.1992, c.79 (C.40A:12A-46) is  
5 amended to read as follows:

6 46. a. Any person serving as a member of a housing authority or  
7 a redevelopment agency on or after the effective date of the rules  
8 adopted pursuant to section 45 of P.L.1992, c.79 (C.40A:12A-45)  
9 shall satisfactorily complete the course of study prescribed by the  
10 commissioner within <sup>1</sup>[one year] eighteen months<sup>1</sup> following the date  
11 of appointment or [the effective date of the rules] July 1, <sup>1</sup>[1998]  
12 1997<sup>1</sup>, whichever is later, or shall be deemed to have resigned his  
13 position effective at the end of that period of time.

14 Notwithstanding the provisions of this section, a person serving as  
15 a member of a housing authority or redevelopment agency on the  
16 effective date of the rules adopted pursuant to section 45 of <sup>1</sup>[this  
17 act] P.L.1992, c.79<sup>1</sup> may continue to serve to the end of his appointed  
18 term even if the remaining period in that term exceeds <sup>1</sup>[one year]  
19 eighteen months<sup>1</sup> and the member does not satisfactorily complete the  
20 prescribed course of study within that time. However, such a member  
21 shall not be eligible for reappointment to membership on the housing  
22 authority or redevelopment agency <sup>1</sup>until a period of five years has  
23 elapsed following the completion of the member's term<sup>1</sup>.

24 b. Any person serving as the executive director of a housing  
25 authority or redevelopment agency on or after the effective date of the  
26 rules adopted pursuant to section 45 of P.L.1992, c.79  
27 (C.40A:12A-45) shall satisfactorily complete the course of study  
28 prescribed by the commissioner within two years after the effective  
29 date of the rules or the effective date of his appointment, whichever is  
30 later, or shall be deemed to have resigned his position effective at the  
31 end of that period of time.

32 <sup>1</sup>c. Notwithstanding any provision of law, rule, regulation, or this  
33 section to the contrary, any person deemed to have resigned his  
34 position pursuant to subsections a. or b. of this section and who has  
35 been replaced by another appointee shall have no claim to the  
36 appointment.<sup>1</sup>

37 (cf: P.L.1992, c.79, s.46)

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39 <sup>1</sup>2. Section 48 of P.L.1992, c.79 (C.40A:12A-48) is amended to  
40 read as follows:

41 48. The commissioner may waive the course requirements set forth  
42 in sections 46 and 47 of P.L.1992, c.79 (C.40A:12A-46 and  
43 40A:12A-47) for any person whom the commissioner determines to be  
44 qualified to serve as a member or executive director of a housing  
45 authority or redevelopment agency by reason of adequate and  
46 equivalent training or professional experience, or a combination

1 thereof. The commissioner may extend credit toward completion of  
2 the course requirements for equivalent or nearly equivalent courses  
3 completed by an individual under the sponsorship of a professional  
4 organization.

5 The commissioner may accept as fulfilling the course requirements  
6 set forth in sections 46 and 47 of P.L.1992, c.79 (C.40A:12A-46 and  
7 47) any course prescribed therein and taken by an individual at that  
8 individual's own expense at a time when the individual was not serving  
9 as a member or executive director of a housing authority or  
10 redevelopment agency.<sup>1</sup>

11 (cf: P.L.1992, c.79, s.48)

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14 3. (New section) There is appropriated to the Department of  
15 Community Affairs from the General Fund the sum of \$90,000 to  
16 assist local housing authorities in the payment of the costs of the  
17 course of study.<sup>1</sup>

18

19 3. 4.<sup>1</sup> This act shall take effect immediately and shall be  
20 retroactive to June 5, 1995<sup>1</sup>.

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25 Changes curriculum study options and completion deadlines for  
26 housing authority and redevelopment agency members; appropriates  
27 \$90,000.

1       2. Section 46 of P.L.1992, c.79 (C.40A:12A-46) is amended to  
2 read as follows:

3       46. a. Any person serving as a member of a housing authority or  
4 a redevelopment agency on or after the effective date of the rules  
5 adopted pursuant to section 45 of P.L.1992, c.79 (C.40A:12A-45)  
6 shall satisfactorily complete the course of study prescribed by the  
7 commissioner within one year following the date of appointment or  
8 [the effective date of the rules] July 1, 1998, whichever is later, or  
9 shall be deemed to have resigned his position effective at the end of  
10 that period of time.

11       Notwithstanding the provisions of this section, a person serving as  
12 a member of a housing authority or redevelopment agency on the  
13 effective date of the rules adopted pursuant to section 45 of this act  
14 may continue to serve to the end of his appointed term even if the  
15 remaining period in that term exceeds one year and the member does  
16 not satisfactorily complete the prescribed course of study within that  
17 time. However, such a member shall not be eligible for reappointment  
18 to membership on the housing authority or redevelopment agency.

19       b. Any person serving as the executive director of a housing  
20 authority or redevelopment agency on or after the effective date of the  
21 rules adopted pursuant to section 45 of P.L.1992, c.79  
22 (C.40A:12A-45) shall satisfactorily complete the course of study  
23 prescribed by the commissioner within two years after the effective  
24 date of the rules or the effective date of his appointment, whichever is  
25 later, or shall be deemed to have resigned his position effective at the  
26 end of that period of time.

27 (cf: P.L.1992, c.79, s.46)

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29       3. This act shall take effect immediately.

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### STATEMENT

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34       This bill would amend the "Local Redevelopment and Housing  
35 Law," P.L.1992, c.79, to change the date by which members of  
36 housing authorities and redevelopment agencies must have completed  
37 the course of study required by the law, and to add a home-study  
38 option as part of the required course of study under the law.

39       Current law requires that a member complete the course of study  
40 prescribed by the commissioner within one year following the date of  
41 appointment or the effective date of the rules, whichever is later. The  
42 effective date of the rules is June 5, 1995 (N.J.A.C.5:16).

43       This bill would allow an individual to complete the curriculum by  
44 July 1, 1998 or within one year following the date of appointment,

1 whichever is later. Additionally, the bill would require the  
2 commissioner to prescribe a home-study option as part of the required  
3 course of study for members.

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8 Changes curriculum study options and completion deadlines for  
9 housing authority and redevelopment agency members.

# SENATE COMMUNITY AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1268**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 14, 1997

The Senate Community Affairs Committee reports favorably and with committee amendments Senate Bill No. 1268.

This bill, as amended, would amend the "Local Redevelopment and Housing Law," P.L.1992, c.79, to change the date by which members of housing authorities and redevelopment agencies must have completed the course of study required by the law.

Current law requires that a member complete the course of study prescribed by the commissioner within one year following the date of appointment or the effective date of the rules, whichever is later. The effective date of the rules is June 5, 1995 (N.J.A.C.5:16).

This bill would allow an individual, in the case of those serving on or prior to the effective date of the rules, to complete the curriculum within eighteen months following the date of the rules, or in the case of those appointed on or after the effective date of the rules, within eighteen months of appointment or July 1, 1997, whichever is later.

The bill would also bar a member who had been serving prior to the effective date of the rules and who did not complete the prescribed course of study within the allocated time from being reappointed until a period of five years has elapsed following the completion of that member's term.

The committee amended the bill to make clear that no individual who had lost his position for failure to complete the prescribed courses within the allocated time would have a claim to his position for subsequent completion of the courses. The bill would, however, allow the commission to accept, as fulfilling the prescribed course requirements, any prescribed courses taken by an individual at that individual's own expense and at a time when the individual was not holding office.

Further, the committee amended the bill to provide an appropriation of \$90,000 to assist local housing authorities in the payment of costs of the course of study.

Finally, the committee amended the bill to make it retroactive to the effective date of the rules.

March 7, 1997

**SENATE BILL NO. 1268  
(FIRST REPRINT)**

To the Senate:

Pursuant to Article V, Section 1, Paragraph 15 of the New Jersey Constitution, I am appending to Senate Bill No. 1268 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

Under the "Local Redevelopment and Housing Law," members of housing authorities and redevelopment agencies must enroll in certain training courses to improve their technical expertise and management skills. These courses, prescribed under the rule-making authority of the Department of Community Affairs ("DCA"), must be completed within one year of the member's appointment to the authority or agency, or within the effective date of the rules, whichever is later. Members who do not complete their required courses must resign at the end of their five-year terms. The bill makes several changes to current law.

First, this bill extends the time within which courses must be completed following the member's appointment. Second, under this bill, members who do not complete their courses are ineligible for reappointment to membership on a housing authority or redevelopment agency for five years following the completion of the member's term. Third, this bill allows DCA to accept, as fulfilling course requirements, any prescribed course completed when the member was not serving a housing authority or



redevelopment agency. Finally, the bill appropriates to DCA \$90,000 to assist local housing authorities with the costs of the required courses. This bill is retroactive to June 5, 1995.

Although I recognize the merit of changing the completion deadline for members of local housing authorities and redevelopment agencies, I believe that the appropriation is unnecessary because the costs associated with the required courses are currently and appropriately absorbed by the housing authorities and redevelopment agencies on behalf of their members.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill.

Page 1, Title, Line 3:

Delete "and making an appropriation"

Page 3, Section 3, Lines 14-17:

Delete in entirety.

Respectfully,

/s/ Christine Todd Whitman

Governor

[seal]

Attest:

/s/ Michael P. Torpey

Chief Counsel to the Governor