

4. Thereafter, the [Commissioner] **Chair/CEO** shall issue a determination approving, modifying or rejecting the proposed layoff unit, after considering:

- i. The need for a unit larger than a department;
- ii. The functional and organizational structure of the local jurisdiction;
- iii. The number of employees, funding source and job titles in the proposed unit;
- iv. The effect upon employee layoff rights; and
- v. The impact upon service to departmental clientele and the public.

[(c)] (d) In State service, the [Commissioner of Personnel] **Chair/CEO** shall determine job locations within each department or autonomous agency.

- 1. Each job location shall consist of a county.
- 2. The [Commissioner of Personnel] **Chair/CEO** shall assign a job location to every facility and office within a department or autonomous agency.

3. In the Judiciary, each vicinage, and the Central Office, shall be considered a separate job location.

[3.] 4. See N.J.A.C. 4A:8-2.2 for exercise of lateral and demotional rights within job locations. See N.J.A.C. 4A:8-2.3 for exercise of special reemployment rights within job locations.

[(d)] (e) In local service, the entire political subdivision is the job location and includes any facility operated by the political subdivision outside its geographic borders.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Neighborhood Preservation Balanced Housing Program

Proposed Readoption: N.J.A.C. 5:43

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-320.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-126.

Submit written comments by September 4, 2010 to:

Michael L. Ticktin, Esq.
 Chief, Legislative Analysis
 Department of Community Affairs
 PO Box 802
 Trenton, NJ 08625
 Fax No. (609) 633-6729

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, the Neighborhood Preservation Balanced Housing Program rules, N.J.A.C. 5:43, are scheduled to expire on May 29, 2011. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated, which was to implement section 20 of the Fair Housing Act, N.J.S.A. 52:27D-320, and is therefore proposing that they be readopted.

The Fair Housing Act established the Neighborhood Preservation Nonlapsing Revolving Fund. This fund is used to provide grants and loans for low- and moderate-income housing programs and projects in municipalities in one of the following categories: (1) those with housing elements with substantive certification from the Council on Affordable Housing; (2) those receiving Urban Aid under P.L. 1978, c. 14; (3) those subject to a builder's remedy, as defined in section 28 of the Fair Housing Act; and (4) those that are receiving municipalities under an approved regional contribution agreement. Projects must have written support from the municipal governing body in order to be eligible for funding.

The rules proposed for readoption include standards for determining eligibility of applicants and of activities for funding, for funding cycles and application procedures, for funding criteria, and for affordability controls. The rules on affordability controls are consistent with those adopted by the Housing and Mortgage Finance Agency at N.J.A.C. 5:80-26 and by the Council on Affordable Housing at N.J.A.C. 5:92-12.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

These rules provide standards for allocation of balanced housing funds appropriated to the Department out of realty transfer fee revenues. The rules provide for distribution of funds among different types of projects and the different areas of the State and establish application cycles and procedures. The affordability controls are necessary in order to ensure that housing built under the program continues to be affordable to the low- and moderate-income households for whom it is intended.

Economic Impact

The rules are necessary in order to ensure the availability of balanced housing funds for affordable housing projects, as provided by the Fair Housing Act. The rules do not impose any significant costs upon applicants. Though some applicants may choose to have their applications prepared by paid consultants, most are able to use their own members or staff to do the job.

Since 1986, the program has funded 704 projects, consisting of 32,994 units. Of these, 24,910 have been new units. Projects have been funded in 374 municipalities. Total funds expended have been \$800,367,754. Of this, \$541,364,040 has been expended in Urban Aid municipalities.

Federal Standards Statement

No Federal standards analysis is required because the rules proposed for readoption are not being proposed under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State statute that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

By funding the construction of low- and moderate-income housing project, the Balanced Housing Program helps to generate jobs in the building trades and other construction-related employment. The volume of such job creation will depend on general economic conditions affecting housing and other real estate, since the volume of revenue generated by the realty transfer fee and made available to the program depends upon the volume and aggregate value of real estate transfers.

Agriculture Industry Impact

The Department does not anticipate that the rules proposed for readoption would have any effect on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption impose requirements on housing sponsors with regard to eligibility and funding, funding cycles and criteria, and affordability controls associated with the use of balanced housing funds made available through the Neighborhood Preservation Balanced Housing Program. Many builders and housing sponsors would qualify as "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

No special professional services are required in order to comply with the provisions of this chapter. The application process is so designed as not to be burdensome to a small business. Such recordkeeping as is required in order to substantiate applications would be necessary for any builder or housing sponsor in the ordinary course of business. Any differential requirement for small businesses would result in unequal treatment of applicants and thus be in conflict with the requirements of N.J.A.C. 5:92.

Smart Growth Impact

These rules facilitate the development of affordable housing and thereby facilitate achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for readoption implement a section of the Fair Housing Act that establishes a fund to be used by the Department to subsidize the development of affordable housing. Readoption of these rules would continue the positive impact of the statute and rules upon housing production costs and affordability. The Economic Impact above includes a summary of the number of projects and housing units funded by the program.

Smart Growth Development Impact

The rules proposed for readoption implement a section of the Fair Housing Act that establishes a fund to be used by the Department to subsidize the development of affordable housing. Readoption of these rules would continue the positive impact of the statute and rules upon housing production within Planning Areas 1 and 2 and within designated centers under the State Development and Redevelopment Plan. The Economic Impact above includes a summary of the number of projects and housing units funded by the program.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:43.

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DIVISION OF HOUSING AND COMMUNITY RESOURCES

Local Housing Authority and Municipal Redevelopment Agency Training Program and Executive Director Review

Proposed Readoption: N.J.A.C. 5:44

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 40A:12A-45 and 49.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-127.

Submit written comments by September 4, 2010 to:

Michael L. Tickin, Esq.
 Chief, Legislative Analysis
 Department of Community Affairs
 PO Box 802
 Trenton, NJ 08625
 Fax No. (609) 633-6729

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, the rules concerning local housing authority and municipal redevelopment agency training program and executive director review, N.J.A.C. 5:44, are scheduled to expire on May 17, 2011. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were adopted and is therefore proposing that they be readopted without amendment.

The purpose for which these rules were adopted was to improve the technical expertise and management skills of commissioners and executive directors of local housing authorities and municipal redevelopment agencies through a comprehensive, structured educational program and to further professionalism in management through clearly established standards of education and experience.

The rules include general provisions and definitions, training requirements and administration, employment requirements for executive directors, requirements regarding board composition and vacancies, enforcement procedures and standards for the training program.

As provided in N.J.S.A. 40A:12A-46, all commissioners and executive directors of local housing authorities and municipal redevelopment agencies are required to complete a comprehensive training program prescribed by the Commissioner of Community Affairs, with the assistance of an advisory committee of housing professionals, public housing representatives and representatives of Rutgers University.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The training program affects all of the 84 local housing authorities and 24 municipal redevelopment agencies in New Jersey. There are five one-day courses for housing authority commissioners, 10 such courses for housing authority executive directors, two for redevelopment agency commissioners and four for redevelopment agency executive directors. From 14 to 16 courses are offered each semester by Rutgers. Commissioners must complete training within 18 months of appointment, and executive directors within two years of appointment.

The training program is necessary to enhance the skills of commissioners and executive directors who must manage their facilities in the best interest of the residents and the community. The enactment of P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.) was in response to a HUD evaluation in the late 1980s that noted substantial mismanagement.

Economic Impact

Rutgers tuition for each one-day course is currently \$450.00, and \$780.00 for a two-day course. In a typical year, there will be 80 to 100 new commissioners and about six new executive directors who must take the courses within the time allowed. Courses are held at various locations around the State on different days. Executive directors who fail to complete the courses face the adverse economic consequence of losing their positions.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being readopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The rules proposed for readoption would not result in the generation or loss of any jobs. The rules establish requirements that must be satisfied by any person seeking to be employed as an executive director, but do not affect the establishment of executive director positions by local housing authorities or municipal redevelopment agencies.

Agriculture Industry Impact

The Department does not anticipate any impact upon the agriculture industry as a result of the rules proposed for readoption.

Regulatory Flexibility Statement

These rules affect local housing authorities and municipal redevelopment agencies. They do not have any impact upon "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Smart Growth Impact

The Department does not anticipate any impact upon the achievement of smart growth or the implementation of the State Development and Redevelopment Plan as a result of the rules proposed for readoption.

Housing Affordability Impact

The rules proposed for readoption concern the local housing authority and municipal redevelopment agency training program and executive director review. The rules would be most unlikely to have any impact upon housing production costs or to affect affordability.

Smart Growth Development Impact

The rules proposed for readoption concern the local housing authority and municipal redevelopment agency training program and executive director review. The rules would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:44.