

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

DIVISION OF LOCAL GOVERNMENT SERVICES

New Jersey Housing Assistance for Veterans

Adopted New Rules: N.J.A.C. 5:55

Proposed: August 5, 2019, at 51 N.J.R. 1244(a).

Adopted: November 6, 2019, by Lt. Governor Sheila Y. Oliver, Commissioner.

Filed: November 13, 2019, as R.2019 d.130, **without change**.

Authority: P.L. 2017, c. 258.

Effective Date: December 16, 2019.

Expiration Date: December 16, 2026.

Summary of Public Comment and Agency Response:

There were no public comments.

Federal Standards Statement

No Federal standards analysis is required because the new rules are not being adopted 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.

Full text of the adopted new rules follows:

CHAPTER 55

NEW JERSEY HOUSING ASSISTANCE FOR VETERANS

SUBCHAPTER 1. GENERAL PROVISIONS

5:55-1.1 Purpose

The purpose of this chapter is to establish the rules governing the implementation of the New Jersey Assistance for Veterans Act.

5:55-1.2 Scope

Pursuant to the New Jersey Housing Assistance for Veterans Act, N.J.S.A. 52:27D-516, the Director of the Division of Housing of Community Resources in the Department of Community Affairs shall establish a five-year pilot program to award grants to qualified organizations to rehabilitate and modify the primary residences of eligible veterans. The five-year pilot program is to be managed in consultation with the Adjutant General of the Department of Military and Veterans' Affairs to most effectively advance the needs of eligible veterans.

SUBCHAPTER 2. DEFINITIONS

5:55-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Certificate of Good Standing" means a certificate certified under the seal of the State Treasurer that attests to the legal status of business entities, such as corporations and limited liability companies operating in New Jersey.

"Department" means the New Jersey Department of Community Affairs.

"Director" means the Director of the Division of Housing and Community Resources in the Department.

"Disabled" means a person who fulfills the definition of having a "disability" pursuant to section 3 of the "Americans with Disabilities Act of 1990," 42 U.S.C. § 12102. The following documentation will be acceptable to demonstrate that a veteran is disabled:

1. Benefits award letter from the United States Veterans Administration;
2. Evidence of receipt of Retirement, Survivor, Disability Insurance;
3. Evidence of receipt of Social Security Disability Income;

4. Evidence of a Medicaid finding of disability-related eligibility for in-home services;

5. Evidence of participation in a Federal or State program that requires that the participant is disabled as defined in the Americans with Disabilities Act of 1990;

6. Certification by a physician that the veteran is disabled within the meaning of the Americans with Disabilities Act of 1990; or

7. Other documentation to demonstrate that the veteran is disabled as defined in the Americans with Disabilities Act of 1990.

"Division" means the Division of Housing and Community Resources in the Department of Community Affairs.

"Eligible veteran" means a disabled or low-income veteran.

"Energy efficient features or equipment" means features or equipment within a primary residence that help to reduce the amount of electricity used to heat, cool, or ventilate the residence, including, but not limited to, insulation, weather-stripping, air sealing, repaired heating systems, or duct sealing.

"Family member" means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the individual is related by blood, marriage, or adoption.

"Low-income veteran" means a veteran occupying a household with a gross household income equal to 50 percent or less of the median gross household income for households of the same size, and within the same housing region, as defined by subsection b. of section 4 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-304).

"Primary residence" means a dwelling unit that is owned by the eligible veteran or by a family member of the eligible veteran and occupied by the eligible veteran as his or her principle residence.

"Qualified organization" means a nonprofit veterans' organization that qualifies as a section 501(c)(3) or 501(c)(19) tax exempt organization under the Internal Revenue Code.

"Veteran" means any resident of the State who has been honorably discharged or released under honorable circumstances from active service in any branch of the armed forces of the United States, or any honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for Federal veterans' benefits.

SUBCHAPTER 3. APPLICATIONS

5:55-3.1 Eligible applicants

(a) To apply for, and receive, a grant award under the pilot program, a qualified organization shall at a minimum:

1. Hold a current Certificate of Good Standing with the State of New Jersey;

2. Provide audited financial statements for the previous three years;

3. Demonstrate experience in providing housing rehabilitation and modification services for the purpose of making homes accessible, functional, and safe;

4. Have experience in carrying out accountability and reporting requirements involved in the proper administration of grant funds; and

5. Commit to paying workers employed through the pilot program no less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of the Department of Labor and Workforce Development pursuant to P.L. 1963, c. 150 (N.J.S.A. 34:11-56.25 et seq.).

5:55-3.2 Applications for funding

(a) A qualified organization shall submit to the Division, or its designee, an application for funding on a form the Department requires and that includes, at least, the following:

1. A detailed resume(s) of the organization and key employees;

2. A defined geographical area that the applicant intends to serve;

3. The approximate number of veterans the qualified organization has the capacity to serve through grant funding;

4. A description of the type of work to be completed, such as interior home modifications, energy efficiency improvements, and other similar categories of work;

5. A detailed marketing and outreach plan for administering the awards;

6. A detailed plan for the selection of eligible veterans to receive assistance, which shall include a preference for low-income disabled veterans;

7. A detailed budget; and

8. Any other information the Director may require.

(b) Successful applicants will receive an award letter and shall enter into a Grant/Loan Agreement contract with the Department before receiving any funds.

5:55-3.3 Eligible activities

(a) Grant awards under the pilot program shall be used to modify and rehabilitate the primary residences of eligible veterans, and for other purposes necessary to advance this goal, as permitted by the Director. Permitted uses of grant funding shall include, but shall not be limited to:

1. Installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms to enhance accessibility, removing doorway thresholds, and installing appropriate floor coverings to accommodate the functional limitations that result from having a disability;

2. Rehabilitating homes that are in a state of interior or exterior disrepair;

3. Installing energy efficient features or equipment, if the eligible veteran's monthly residential utility costs are greater than five percent of monthly household income, and an energy audit of the residence indicates that the installation of energy efficient features or equipment would reduce utility costs by 10 percent or more; and

4. Any other activity the Director deems appropriate.

(b) Funds shall not be used for any activity for which the primary residence being rehabilitated or modified has received full funding for that purpose from another program.

SUBCHAPTER 4. GRANTS

5:55-4.1 Preferences

In awarding grants, the Director shall give preference to a qualified organization that employs workers from an apprenticeable trade participating in the Helmets to Hardhats program, as certified by the New Jersey State Building and Construction Trades Council. Not less than five percent of projected labor hours shall be completed by such participating organizations.

5:55-4.2 Grant amounts and contributions

(a) No qualified organization shall be awarded more than \$400,000 through the pilot program in any one fiscal year.

(b) A qualified organization receiving a grant shall contribute a matching contribution in an amount not less than 50 percent of the grant award. The matching requirement may be met through cash contributions or in-kind contributions.

(c) The minimum award amount to rehabilitate or modify an eligible veteran's primary residence shall be \$5,000 and the maximum amount shall be \$25,000.

(d) The qualified organization may utilize a maximum of \$2,500 per unit of their award as an administrative fee.

5:55-4.3 Fees and costs for eligible veterans

Eligible veterans benefitting from the program shall not pay an application fee or any other cost for the work completed on their residences.

SUBCHAPTER 5. SEPARABILITY

5:55-5.1 Separability

If any provisions of this chapter shall be held invalid or ineffective, in whole or in part, or inapplicable to any person or situation, it is the purpose and intent of this chapter that all other provisions thereof shall

nevertheless be separately and fully effective, and that the application of any such provision to other persons or situations shall not be affected.

LABOR AND WORKFORCE DEVELOPMENT

(a)

INCOME SECURITY

2020 Maximum Weekly Benefit Rates

2020 Taxable Wage Base Under the Unemployment Compensation Law

2020 Contribution Rate of Governmental Entities and Instrumentalities

2020 Base Week

2020 Alternative Earnings Test

Adopted Amendments: N.J.A.C. 12:15-1.2, 1.3, 1.4, 1.5, and 1.6

Proposed: September 3, 2019, at 51 N.J.R. 1395(a).

Adopted: November 19, 2019, by Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Filed: November 19, 2019, as R.2019 d.132, **without change**.

Authority: N.J.S.A. 34:1-5, 34:1-20, 34:1A-3(e), 43:21-3(c), 43:21-4(e), 43:21-7(b)(3), 43:21-7.3(e), 43:21-19(t), 43:21-27, 43:21-40, and 43:21-41; and P.L. 2019, c. 37.

Effective Date: December 16, 2019.

Expiration Date: March 14, 2025.

Summary of Hearing Officer's Recommendations and Agency's Response:

A public hearing regarding the proposed amendments was held on September 23, 2019, at the Department of Labor and Workforce Development. David Fish, Executive Director, Legal and Regulatory Services, was available to preside at the public hearing and to receive testimony regarding the proposed amendments. No one testified at the public hearing and no written comments were submitted directly to the Office of Legal and Regulatory Services. Therefore, the hearing officer recommended that the Department proceed with the amendments without change.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The adopted amendments do not contain any standards or requirements that exceed standards or requirements imposed by Federal Law. The adopted amendments affect benefit and contribution levels under the Unemployment Compensation and Temporary Disability Benefits Laws. As a result, an explanation or analysis of the adopted amendments pursuant to Executive Order No. 27 (1994) is not required.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

12:15-1.2 Maximum weekly benefit rates

(a) For unemployment compensation claims commencing on or after January 1, 2020, the maximum weekly benefit rate under the Unemployment Compensation Law shall be \$713.00 per week.

(b) For periods of disability or family leave commencing on or after January 1, 2020, and prior to July 1, 2020, the maximum weekly benefit rate for State Plan temporary disability and family leave insurance benefits under the Temporary Disability Benefits Law shall be \$667.00 per week.