

**MINUTES OF THE 470th BOARD MEETING
OF THE
NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY**

June 25, 2020

- MEMBERS:
- * Robert Long (representing Lt. Governor Sheila Y. Oliver, Commissioner, DCA)
 - ** Aimee Manocchio Nason, Deputy Attorney General, (representing Gurbir S. Grewal, Attorney General)
 - *** Robert Shaughnessy, Assistant Deputy Director, Department of Treasury (representing Elizabeth Maher Muoio, State Treasurer)
 - **** Sarah Adelman, Deputy Commissioner (representing Carole Johnson, Commissioner, Department of Human Services)
 - ***** Paulette Sibbles -Flagg, Administrator of Accreditation, Department of Banking and Insurance (representing Marlene Caride, Commissioner, Department of Banking and Insurance)

Stanley Weeks
Dorothy Blakeslee
Zenon Christodoulou

HMFA STAFF
PRESENT:

Charles A Richman, Executive Director
Deb Urban, Chief of Multifamily Programs
Katherine Brennan, Chief of Staff
Laura Shea, Chief of Legal and Regulatory Affairs
John Murray, Chief Financial Officer
Jeanette Nieves, Executive Board Secretary
Tanya Hudson – Murray, Managing Director of Multifamily Programs
George Davidson, Communications Systems Coordinator
Jennifer Linett, Director of Loan Closings
Theresa Fink, Director of Finance
Joseph Heath, Director of Capital Markets
Darryl Applegate, Director of Regulatory Affairs
Jonathan Sternesky, Manager of Policy and Legislative Affairs
Amy Palmer, Manager Marketing & Communications
Jordon Moskowitz, Managing Director of Single Family Programs
Gloria Mehnert, Paralegal III
Suzanne Plesnarski, Manager of Regulatory Affairs
Marlo Austell, Executive Assistant
Andrea Baverov, Manager of Credit and Delinquent Assets

OTHERS
PRESENT:

Kavin Mistry, Deputy Director, Attorney General's Office
Stephanie Brown, Assistant Counsel, Governor's Authority Unit

MEMBERS
OF THE PUBLIC

Jeffrey Feld
Lenny LaBarbiera

- * Letter of February 20, 2018 designating Robert Long to represent Lt. Governor Sheila Y. Oliver, Commissioner
- ** Letter of December 4, 2018 designating Aimee Manocchio Nason to represent Gurbir S. Grewal, Attorney General
- *** Letter of January 19, 2018 designating Robert Shaughnessy to represent the Acting State Treasurer, Elizabeth Maher Muoio
- **** Letter of May 17, 2019, designating Sarah Adelman to represent, Carole Johnson, Commissioner, Department of Human Services
- ***** Letter of January 17, 2020 designating Paulette Sibblies – Flagg to represent Marlene Caride, Commissioner, Department of Banking and Insurance

June 25, 2020

Robert Long, Deputy Commissioner read the following into the minutes:

FLAG SALUTE

NOTICE OF PUBLIC MEETING

The New Jersey Housing and Mortgage Finance Agency gave notice of the time, place and date of this meeting by electronic mail, regular mail and hand delivery on June 18, 2020 to the Secretary of State of New Jersey, The Star Ledger, The Times, and the Courier Post, and by posting the notice at the office of the Agency in Trenton, New Jersey. Pursuant to the New Jersey Open Public Meetings Act, a resolution must be passed by the New Jersey Housing and Mortgage Finance Agency in order to hold a session from which the public is excluded.

APPROVAL OF MINUTES

APPROVAL OF THE PUBLIC SESSION MINUTES OF THE MAY 21, 2020 TELECONFERENCE MEETING OF THE HMFA BOARD – ITEM 1A

Aimee Manocchio-Nason moved and Stanley Weeks seconded. 1. Approval of the Public Session Minutes of the May 21, 2020 Teleconference Meeting of the HMFA Board.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

SINGLE FAMILY

HOUSING COMPREHENSIVE COUNSELING GRANT PROGRAM - APPROVAL TO ACCEPT ADDITIONAL FUNDING – ITEM- 2A

Robert Shaughnessy moved and Zenon Christodoulou seconded. 1. Approval to accept Department of Housing and Urban Development (HUD) funding in the amount of \$214,449 under the HUD Comprehensive Housing Counseling Grant Program (“HUD Counseling Program”) as set forth in a grant agreement between HUD and the HMFA. 2. Authorization for the Executive Director, the Chief Financial Officer or the Chief of Legal and Regulatory Affairs to (i) take any and all actions necessary; (ii) execute and deliver all agreements, certificates, instruments and other documents necessary to receive the funding from HUD; and (iii), upon consultation with the Attorney General’s Office, enter into the grant agreement between HUD and the HMFA. 3. Authorization for the Executive Director, the Chief Financial Officer and the Chief of Legal and Regulatory Affairs to enter into the Sub-Grantee Agreements between HMFA and six participating HUD certified local housing counseling agencies serving as sub-grantees (referenced below).

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

MULTIFAMILY

APPROVAL OF AMENDMENTS TO THE MULTIFAMILY GUIDELINES – ITEM- 3A

Paulette Sibblies-Flagg moved and Aimee Manocchio-Nason seconded. 1. Approval to amend the Multifamily Underwriting Guidelines and Financing Policy (the “Multifamily Guidelines”) for the Multifamily Programs and Lending as set forth in the RFA. 2. Authorization for the Executive Director and the Chief of Programs to approve amendments to correct errors in or clarify the Guidelines, so long as such amendments do not result in a change in policy or implementation of the Guidelines as currently approved. Any amendments that would change the underlying policy or implementation of the Guidelines from the form in which it is now presented shall remain subject to Agency Board approval. 3. Authorization for the Executive Director, the Chief of Programs, the Chief Financial Officer, the Chief of Legal and Regulatory Affairs, in consultation with the Attorney General’s Office, to execute any and all documents necessary to effectuate the above actions.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

MULTI FAMILY-SUPPORTIVE HOUSING

HMFA #03401/SNHTF #504 – GUNNING RIVER ROAD SUPPORTIVE HOUSING – APPROVAL OF A MORTGAGE FINANCING COMMITMENT – ITEM- 4A

Stanley Weeks moved and Dorothy Blakeslee seconded. 1. Approval of a subsidy mortgage commitment for an estimated \$368,000 in construction and permanent financing from the Special Needs Housing Trust Fund (“SNHTF”) for a project known as Gunning River Supportive Housing, HMFA #03401, SNHTF #504 (the “Project”), upon the terms and conditions set forth in the RFA.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

HMFA #03443/SSNHF #94 – SHEPARD AVENUE SUPPORTIVE HOUSING – APPROVAL OF A MORTGAGE FINANCING COMMITMENT – ITEM- 4B

Robert Shaughnessy moved and Aimee Manocchio-Nason seconded. 1. Approval of a subsidy mortgage loan commitment for an estimated \$560,000 in construction and permanent financing from the Sandy Special Needs Housing Fund-CDBG (“SSNHF-CDBG”) Program for a project known as Shepard Avenue Supportive Housing, HMFA #03433 SSNHF#94 (the “Project”), upon the terms and conditions set forth in the RFA.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

MULTI FAMILY- CONDITIONAL COMMITMENT

HMFA #03486– VICTORY COMMONS AT VOORHEES – APPROVAL OF A CONDITIONAL MORTGAGE FINANCING COMMITMENT - ITEM- 5A

Stanley Weeks moved and Paulette Sibblies - Flagg seconded. 1. Approval of a conditional mortgage commitment for an estimated \$4,933,000 in permanent only financing for a project known as Victory Commons at Voorhees HMFA#03486 (the “Project”), upon the terms and conditions set forth in the RFA. If the Project is not awarded 9% tax credits in the September 2020 round, this commitment shall be null and void

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

MULTI FAMILY- FOUR PERCENT TAX CREDITS

HMFA #03458 – LINCOLN BOULEVARD SENIOR PHASE I– APPROVAL OF MORTGAGE FINANCING COMMITMENT – ITEM-6A

Aimee Manocchio-Nason moved and Sara Adelman seconded. 1. Approval of a mortgage commitment for an estimated \$2,726,000 permanent only financing from the Agency Revenue Bond Financing Program for a project known as Lincoln Boulevard Senior Phase I, HMFA #03458 (the “Project”), upon the terms and conditions set forth in the RFA. 2. Approval of a mortgage commitment for an estimated \$1,300,000 from the Special Needs Housing Trust Fund (“SNHTF”) for the Project, upon the terms and conditions set forth below.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

MULTI FAMILY- FOUR PERCENT TAX CREDITS-CONDUIT

HMFA #03489 –BALTIC PLAZA - APPROVAL OF A DECLARATION OF INTENT – ITEM-7A

Robert Shaughnessy moved and Paulette Sibblies- Flagg seconded. 1. Approval of a “Declaration of Intent” stating the expectation and intention of the Agency, subject to the availability of volume cap, to issue tax-exempt bonds in a maximum amount not to exceed \$30,018,000 (the “Bonds”) in permanent financing for a project known as Baltic Plaza, HMFA #03489 (the “Project”). Approval of this "Declaration of Intent" is intended to establish for tax purposes the eligibility for reimbursement with the proceeds of the Bonds of certain costs paid prior to the issuance of the Bonds (the “Original

Expenditures”) associated with pre-bond sale and development work on the Project. By this action, the Board expresses its present intent to issue the Bonds for the Project and its reasonable expectation that it will reimburse Original Expenditures with proceeds of the Bonds, and declares its intent that the Declaration of Intent be determined to be a declaration of official intent under Treas. Reg. Section 1.150-2 (the “Reimbursement Regulations”) promulgated under the Internal Revenue Code of 1986, as amended (the “Code”).

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

HMFA #003353 –NEW CENTER CITY - APPROVAL OF MORTGAGE FINANCING COMMITMENT – ITEM-7B

Aimee Manocchio-Nason moved and Stanley Weeks seconded. 1. Approval of a mortgage commitment for an estimated \$10,315,000 in permanent only financing from the Conduit Bond Program for a project known as New Center City, HMFA #03353 (the “Project”), upon the terms and conditions set in the RFA. 2. Approval of a mortgage commitment for an estimated \$1,000,000 in construction and permanent financing from the Special Needs Housing Trust Fund (“SNHTF”) for the project upon the terms and conditions set forth in the RFA.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

HMFA #03354/SNHTF #0362 –NEW IRVINE TURNER - APPROVAL OF MORTGAGE FINANCING COMMITMENT – ITEM-7C

Paulette Sibblies-Flagg moved and Stanley Weeks seconded. 1. Approval of a mortgage commitment for an estimated \$15,845,000 in permanent only financing from the Conduit Bond Program for a project known as New Irvine Turner, HMFA #03354 (the “Project”), upon the terms and conditions set forth in the RFA. 2. Approval of a mortgage commitment for an estimated \$500,000 in construction and permanent financing from the Special Needs Housing Trust Fund (“SNHTF”) for the project upon the terms and conditions set forth below.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

HMFA #03492 –GLEN OAKS APARTMENTS - APPROVAL OF DECLARATION OF INTENT – ITEM-7D

Aimee Manocchio – Nason moved and Dorothy Blakeslee seconded. 1 Approval of a “Declaration of Intent” stating the expectation and intention of the Agency, subject to the availability of volume cap, to issue tax-exempt bonds in a maximum amount not to exceed \$4,680,000 (the “Bonds”) in permanent

financing for a project known as Glen Oaks Apartments, HMFA #03492 (the “Project”). Approval of this "Declaration of Intent" is intended to establish for tax purposes the eligibility for reimbursement with the proceeds of the Bonds of certain costs paid prior to the issuance of the Bonds (the “Original Expenditures”) associated with pre-bond sale and development work on the Project. By this action, the Board expresses its present intent to issue the Bonds for the Project and its reasonable expectation that it will reimburse Original Expenditures with proceeds of the Bonds, and declares its intent that the Declaration of Intent be determined to be a declaration of official intent under Treas. Reg. Section 1.150-2 (the “Reimbursement Regulations”) promulgated under the Internal Revenue Code of 1986, as amended (the “Code”).

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

DELINQUENT ASSETS

HMFA #1138A–CLARA BARTON ASSISTED LIVING RESIDENCE AND HMFA #1138B- CLARA BARTON MANOR – APPROVAL OF A DEFAULT AND WORKOUT - ITEM- 8A

Stanley Weeks moved and Robert Shaughnessy seconded. 1. Approval of a Declaration of Default against Clara Barton ALF II, L.P. (the “Owner”) regarding Clara Barton Assisted Living Residence, HMFA #1138A (the “Project”) and against Clara Barton ALF, LLC (the “Owner”) regarding Clara Barton Manor, HMFA #1138B (the “Project”) which are in default of certain provisions of the Loan Documents (as defined in the RFA). 2. Authorization for the New Jersey Housing and Mortgage Finance Agency (the “Agency”) to exercise remedies under the Loan Documents including but not limited to declaring the outstanding principals plus accrued and unpaid interest and servicing fee and all other liabilities under the Loan Documents to be immediately due and payable. 3. Authorization to forebear from exercising remedies and from issuing a notice of Declaration of Default under the Loan Documents to execute the Workout Plan (as defined below). 4. Delegation to and authorization for the Executive Director, Chief Financial Officer, the Chief of Legal and Regulatory Affairs, the Chief of Multifamily Programs and the Chief of Staff to negotiate and execute a Workout plan with the Owner for the Project to satisfy its obligations under the Loan Documents as described below (the “Workout Plan”). 5. Authorization for the Executive Director, Chief Financial Officer, the Chief of Legal and Regulatory Affairs, the Chief of Multifamily Programs and the Chief of Staff to execute any and all documents necessary to effectuate the above actions.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

CAPITAL MARKETS

APPROVAL OF THE SINGLE FAMILY HOUSING REVENUE BOND ISSUE – ITEM- 9A

Robert Shaughnessy moved and Dorothy Blakeslee seconded. 1. Approval of the attached New Jersey Housing and Mortgage Finance Agency Series Resolution Authorizing the Issuance of Not To Exceed \$400,000,000 New Jersey Housing and Mortgage Finance Agency Single Family Housing Revenue Bonds, 2020 Series (the “2020 Series Resolution”).

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

FINANCE

ACCEPTANCE OF THE AGENCY’S AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 – ITEM- 10A

Robert Shaughnessy moved and Dorothy Blakeslee seconded. Acceptance of the New Jersey Housing and Mortgage Finance Agency’s audited financial statements for fiscal year ending December 31, 2019 (the “Fiscal Year 2019 Audit Report”), as prepared by Clifton Larsen Allen, LLP (the “Independent Auditor”).

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

OTHER BUSINESS

APPROVAL OF A RESOLUTION OF APPRECIATION FOR SUZANNE PLESNARSKI – ITEM- 11A

Robert Shaughnessy moved and Dorothy Blakeslee seconded.

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None

Lenny LaBarbiera and Agency staff wished Suzanne Plesnarski well wishes on her retirement.

Is there any other business, which the Board would like to discuss at this time?

Executive Director Richman advised the Board Members that the Agency received a letter from Jeffrey Feld via email on June 24, and stated that a copy of that letter was provided to the Board members prior to the meeting

Are there any members of the public that wish to address the Board?

MOTION TO ADJOURN

Robert Shaughnessy moved and Paulette Sibblies-Flagg seconded a motion to adjourn at 10:46

Aye – Robert Long, Robert Shaughnessy, Stanley Weeks, Zenon Christodoulou, Dorothy Blakeslee, Aimee Manocchio-Nason, Sarah Adelman, Paulette Sibblies- Flagg

Nay – None

Abstained- None



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 800
TRENTON, NJ 08625-0800
(609) 292-6420

PHILIP D. MURPHY
Governor

Lt. GOVERNOR SHEILA Y. OLIVER
Commissioner

February 20, 2018

Claudia Lovas, Acting Executive Director
NJ Housing and Mortgage Finance Agency
PO Box 18550
Trenton, New Jersey 08625

Dear Acting Executive Director Lovas:

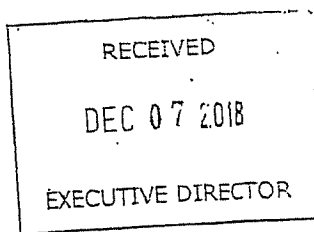
Please accept this letter as formal notification that Deputy Commissioner Robert Long will represent me at the NJHMFA Board Meetings until further notice.

If you have any questions, please do not hesitate to call my office.

Sincerely,

Lt. Governor Sheila Y. Oliver
Commissioner





PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO Box 080
TRENTON NJ 08625-0080

GURBIR S. GREWAL
Attorney General

December 4, 2018

Sheila Y. Oliver, Lieutenant Governor
Chair
New Jersey Housing and Mortgage Finance Agency
637-South Clinton Avenue
P.O. Box 18550
Trenton, New Jersey 08650-2085

Dear Lieutenant Governor Oliver:

I am writing to appoint my designee to serve on the board of the New Jersey Housing and Mortgage Finance Agency (the "Agency").

I hereby appoint Susan K. Fischer, Assistant Attorney General as my designee to serve on the board of the Agency. AAG Fischer is authorized to represent me in my absence at the meetings of the Agency, to vote in my stead, and to otherwise act on my behalf. In the event of AAG Fischer's absence, Aimee Manocchio Nason, Deputy Attorney General is authorized to represent me in my absence at the meetings of the Agency, to vote in my stead, and to otherwise act on my behalf. In the event of the absence of AAG Fischer and DAG Manocchio Nason, Kavin K. Mistry, Assistant Attorney General & Deputy Director, Division of Law is authorized to represent me in my absence at the meetings of the Agency, to vote in my stead, and to otherwise act on my behalf.

Sincerely,

Gurbir S. Grewal
Attorney General

- c: Michelle L. Miller, Director, Division of Law
Elissa Westbrook Smith, Chief of Staff, Division of Law
Kavin K. Mistry, Deputy Director, Division of Law
Susan K. Fischer, Assistant Attorney General
Aimee Manocchio Nason, Deputy Attorney General
Jonathan Garelick, Deputy Chief of Staff, Office of the Attorney General
Charles Richman, Executive Director, NJHMFA





State of New Jersey
Office of the State Treasurer
PO BOX 002
TRENTON NJ 08625-0002

PHILIP D. MURPHY
Governor
Sheila Y. Oliver
Lt. Governor

Elizabeth Maher Muoio
Acting State Treasurer

January 19, 2018

Claudia Lovas, Acting Executive Director
NJ Housing and Mortgage Finance Agency
637 South Clinton Avenue
PO Box 18550
Trenton, NJ 08650

Dear Acting Executive Director Lovas:

I hereby designate Robert Shaughnessy, Department of Treasury to act as my permanent designee at all the meetings of the New Jersey Housing and Mortgage Finance Agency.

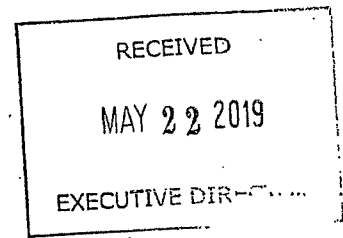
Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Maher Muoio".

Elizabeth Maher Muoio
Acting State Treasurer



State of New Jersey
Department of Human Services
P.O. BOX 700
TRENTON NJ 08625-0700



PHILIP D. MURPHY
Governor

Carole Johnson
Commissioner

Sheila Y. Oliver
Lt. Governor

May 17, 2019

Charles A. Richman
Executive Director
New Jersey Housing and Mortgage Finance Agency
637 South Clinton Avenue
PO Box 18550
Trenton, NJ 08650-2085

Dear Mr. Richman,

Please be advised that I have designated Sarah Adelman, Deputy Commissioner, to serve as the New Jersey Department of Human Services' representative for the New Jersey Housing and Mortgage Finance Agency Board. Below is her contact information:

Sarah Adelman
Deputy Commissioner
NJ Department of Human Services
PO Box 700
Trenton, NJ 08625-0700
609-292-6090 – office
Sarah.Adelman@dhs.state.nj.us

Elisa Neira, whose contact information you already have, will now serve as a backup.

Please let me know if you have any questions or need further information. Thank you.

Sincerely,

Carole Johnson
Commissioner

CJ/lk
c: Lt. Governor Sheila Y. Oliver
Jill Shortway Ippolito
Steve Shultz
Sarah Adelman
Elisa Neira
Lynn Kotch



State of New Jersey

DEPARTMENT OF BANKING AND INSURANCE

OFFICE OF THE COMMISSIONER

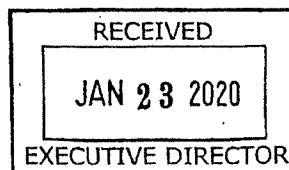
PO BOX 325

TRENTON, NJ 08625-0325

TEL (609) 292-7272

PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor



MARLENE CARIDE
Acting Commissioner

January 17, 2020

Charles A Richman, Executive Director
New Jersey Housing and Mortgage Finance Agency
637 South Clinton Avenue
PO Box 18550
Trenton, NJ 08650

Re: NJ HMFA Board Meeting Designee

Dear Mr. Richman:

My designee for the New Jersey Housing Mortgage and Finance Agency Board meetings is Paulette Sibblies-Flagg of the Division of Banking.

Ms. Sibblies-Flagg can be reached at paulette.sibblies-flagg@dobi.nj.gov, telephone (609) 940-7347.

Very truly yours,

Marlene Caride
Commissioner

cc: Justin Zimmerman, Chief of Staff
Richard Mumford, Director of Banking
Paulette Sibblies-Flagg, Division of Banking

Jeffrey S. Feld, Esq.
268 Main Street
Orange, New Jersey 07050
973.673.3233 (tele)
973.673.8505 (fax)
hardwaredad@aol.com (email)

June 24, 2020

(lshea@njhmfa.gov)
Laura Shea, NJHMFA Chief of Programs
New Jersey Housing and Mortgage Finance Agency
P.O. Box 18550
Trenton, New Jersey 08650-20851

Re: June 24, 2020 NJHMFA Virtual Meeting Agenda posted June 24, 2020
Approval of Minutes (1)
MultiFamily-Supportive Housing (4)
Multi-Family-Conditional Commitment (5)
Multi-Family-Nine Percent Tax Credits (6)
Multi-Family-Four Percent Tax Credits-Conduit (7)
Acceptance pf CY 2019 Audit (10a)

Dear Ms. Shea:

Because I may be unable to participate in the June 24, 2020 Virtual Meeting, I respectfully request that this letter and the documents referred herein be distributed to all Board members **prior to** consideration of any agenda matter and be included in the official virtual meeting public record.

I incorporate herein by reference all my prior written communications and inquiries regarding the post May 17, 1992 validity of the NJHMFA long term tax exemption under State law.

I incorporate herein by reference all my post June 5, 2020 written communications to the NJHMFA, including: (i) my Norman Towers NJHMFA long term tax exemption related mortgage financing commitment July 1, 2020 reconsideration hearing materials submitted June 19, 2020 and (ii) my letter sent yesterday to the City of Newark regarding the July 1, 2020 public comment hearing on a reverter subordination resolution relating to a NJHMFA long term tax exemption project with a duly formed urban renewal entity.

“Public curiosity has been on the stretch to understand the origin and progress of this dreadful conspiracy, and the motives which influences its diabolical actors. “What happened? Why did it happen? What can be done to prevent it from happening again and again?”

-The Confessions of Nat Turner, the Leader of the Late Insurrection in Southhampton, Va (1831)-

This is a very fluid situation. Someone blinked. At the last May 21, 2020 NJHMFA meeting, the Executive Director advised the Board to expect approximately **25** nine percent tax credit related mortgage financing commitments resolutions needed for the upcoming September application approval cycle. Only **1** nine percent tax credit related mortgage financing commitment appears on the June 24, 2020 virtual meeting agenda.

From the Agenda, I am unable to ascertain basic due diligence information regarding whether the taxpayer subsidy recipient was an urban renewal entity.

Accordingly, I suggest the Board:


1. Obtain a written legal opinion or memorandum whether the posting of the virtual meeting agenda less than 48 hours prior to the advertised and noticed meeting complies with the terms and spirits of constitutional procedural due process and the Open Public Meetings Act.
2. Consider whether the proposed May 21, 2020 minutes adequately and accurately describe what transpired during the new business and public comment portion of the meeting.
3. Obtain a public explanation for the omission of numerous multi-family nine percent credit related mortgage financing commitment resolutions
4. Confirm whether the staff has begun to certify and to disclose to the Board whether the proposed project recipient of taxpayers' subsidies was an urban renewal entity, whether the underlying long term tax exemption was approved pursuant to the Long Term Tax Exemption Law; whether the municipality retained special outside redevelopment counsel and budget consultants to review the terms of the underlying long term tax exemption financial agreements, whether the municipality obtained a net benefits fiscal impact study in connection with the approval of the underlying long term tax exemption, whether any of the projects involve the acquisition and rehabilitation of existing long term tax exemption projects, whether steps have been taken to ensure a governmental public entities constitutional, statutory and contractual rights to certain excess net sale proceeds and whether any of the developer's other long term tax exemptions are being investigated or examined by any third party.
5. Confirm whether the federal subpoena received by the NJHMFA in February 2019 was adequately disclosed in the CY 2019 Audit.

In addition, you may wish to consider certain case law issued on Monday. See, *Liu v. SEC*, 591 U.S. __ (June 22, 2020) (Justice Sotomayor explaining why disgorgement is a statutory equitable remedy); *State v. Fortin*, __ N.J. Super. __ (App. Div. June 22, 2020) (Judge Koblitz, together with Judges Whipple and Gooden Brown explaining and applying a three prongs test to determine whether newly discovered evidence entitled a party to a new criminal trial).

I reserve my rights to participate at the virtual public hearing and to supplement my comments and questions.

Should you require any additional information or documentation, please free to contact me.

Respectfully submitted,


Jeffrey S. Feld

cc: Lt. Governor Sheila Oliver, DCA Commissioner (via regular mail)
Thomas J. Eicher, Esq., Director, OAG Office of Public Integrity & Accountability (via regular mail)
Veronica Allende, Esq., Director Division of Criminal Justice (via regular mail)
Susan Scott, Esq, Chief DOL Community Affairs, State and Elections (via email)
Kevin Walsh, Esq. Acting State Comptroller (via regular mail)
Cari Fais, Esq, Office of the US Attorney (via regular mail)
Charles A. Richman, Executive Director (via email)
Katherine Brennan, NJHMFA Chief of Staff (via email)
Deb Urban, NJHMFA Chief of Legal & Regulatory Affairs (via email)
Tanya Hudson-Murray, NJHMFA Director of Multi-Family Programs and Lending (via email)
Daryl Appelgate, NJHMFA Director of Regulatory Affairs (via email)
Anne H. Hamlin, NJHMFA Director of Tax Credits (via email)
Joseph Heath, NJHMFA Director of Capital Markets & Bond Compliance (via email)
George Loeser, Esq., NJHMFA DAG (via email).
Vladimir Palma, Esq., NJHMFA Newark II DAG (via email)
Melanie Walter, Esq., LFB Chairperson/DLGS Executive Director (via email)