



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

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

November 24, 2017

Via Regular Mail

Steven D. Scherzer, Esq.
Cooper Levenson
1125 Atlantic Avenue
Atlantic City, New Jersey 08401

Via Electronic Mail

Nicole Colon
Sandy Recovery Division
101 S. Broad Street
Post Office Box 823
Trenton, New Jersey 08625

Re: Department of Community Affairs, Sandy Recovery Division v. Amadeu Miranda
OAL Docket No. CAF 07611-15

Dear Parties:

Enclosed please find a copy of the Final Decision in the matter referenced above. Should you wish to appeal from this Decision, you have the right to take an appeal with the Appellate Division of the Superior Court [Rules Governing the Courts of New Jersey, 2:2-3(a)(2)]. You must do so, however, within 45 days from the date of service of this Decision.

Sincerely,

Donald Palombi
Director of Policy

Enclosure



**STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS**

FINAL DECISION

OAL DKT. NO. CAF 07611-15
AGENCY DKT. NOS. RSP #00199939
AND RRE #0019923

**DEPARTMENT OF COMMUNITY AFFAIRS,
SANDY RECOVERY DIVISION,**
Petitioner,

v.

AMADEU MIRANDA,
Respondent.

Having reviewed the Initial Decision of the Administrative Law Judge in this matter, together with any exceptions or replies submitted, I hereby ADOPT the Initial Decision as the Department's FINAL AGENCY DECISION for the reasons set forth in that Initial Decision, as well as the reasons set forth below.

The facts of this matter are fully set forth in the ALJ's Initial Decision. I hereby adopt the findings of fact in the Initial Decision pursuant to N.J.A.C. 1:1-18.6.

The sole issue is whether the damaged property owned by Respondent, Amadeu Miranda, was his primary residence at the time of Superstorm Sandy such that he was eligible for grants from the Resettlement Program (RSP) and Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program. The ALJ determined that Respondent failed to satisfy the requirements of both programs. Thus, the ALJ determined that Respondent is obligated to refund the program monies already received.

Following Superstorm Sandy, the U.S. Department of Housing and Urban Development, through the Community Development Block Grant-Disaster Recovery Program, provided funds to the Department to assist affected New Jersey residents. The RSP and the RREM Program were both developed by the Department to assist homeowners with repairs to their Superstorm Sandy-damaged homes. These federal funds are only available to applicants that can prove eligibility in accordance with the terms of the RSP and RREM Programs. The eligibility criteria for the programs are set forth in the Policy and Procedures manuals for each program. Both the RSP and the RREM Program require an applicant to demonstrate that the property at issue was his or her primary residence at the time of the storm. Under both programs, the preferred form of

verification is a New Jersey driver's license or a New Jersey non-driver's license identification card listing the damaged property as the address. Specific alternative documentation (which differs between the two programs, as more fully set forth in the Initial Decision) may be offered by an applicant, if primary residence cannot be confirmed by the preferred documentation. Finally, "other documentation" may be considered on a case-by-case basis. However, neither program makes any reference to the concept of domicile. The programs do not allow an applicant's subjective intent to be considered as proof of primary residence.

Here, Respondent has not proved that the damaged property was his primary residence at the time of Superstorm Sandy. The objective proofs provided by the Sandy Recovery Division show that the Matawan property, not the damaged property, was Miranda's primary residence at the time of Superstorm Sandy. Respondent did not produce any documentation that satisfies the requirements of the RSP or the RREM Program. The RSP and RREM Program Policies and Procedures do not permit the sole use of testimony to establish primary residence. Thus, the testimony provided by Respondent's witnesses cannot be accepted to rebut the objective documentary proofs provided by the Sandy Recovery Division.

Accordingly, Respondent is not eligible for either the RSP or the RREM Program because he has not proved that the damaged property was his primary residence at the time of Superstorm Sandy. Respondent is obligated to refund the program monies already received.

Date:

11/24/2017



CHARLES A. RICHMAN
Commissioner