

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

FINAL DECISION

OAL DKT. NO. CAF 10621-14

AGENCY DOCKET NO. RRE0029934

MARYANN NAWARYNSKI,

Petitioner,

v.

DEPARTMENT OF COMMUNITY AFFAIRS, SANDY RECOVERY DIVISION,
Respondent.

Having reviewed the Initial Decision of the Administrative Law Judge in this matter, together with any exceptions or replies submitted, I hereby reject the Initial Decision as the Commissioner's Final Decision. The original decision of the Sandy Recovery Division to deny eligibility to the Petitioner is hereby upheld.

My findings of fact are as follows: The petitioner in this matter owns a floating home. The determination that a floating home is an eligible structure within the meaning of the Renovation, Reconstruction, Elevation and Mitigation (RREM) Program is not supported by credible evidence in the record. The RREM Program requires all grant participants to agree to elevate their homes and maintain perpetual flood insurance. Petitioner could not satisfy these basic requirements of the RREM Program. Furthermore, a floating home is temporarily located on water and can be relocated at any time. This fact is contradictory to ALJ Miller's comparison to a modular/manufactured housing unit, which is located permanently and not on water. Unlike a floating home, a modular/manufactured housing unit would be able to satisfy all of the RREM Program requirements. ALJ Miller also lacked subject matter jurisdiction to fashion the remedy of replacing the petitioner's floating home. The only jurisdiction granted to the Office of Administrative Law in this matter is to render an Initial Decision as to program eligibility, subject to final agency approval, modification or rejection. I respectfully disagree with Judge Miller's findings in this matter, and for that reason I must reject the Initial Decision. Therefore, this applicant cannot be found eligible for the RREM Program.

Date: 2/5/15



RICHARD E. CONSTABLE, III
Commissioner