

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Local Housing Authority Crime Reports

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

Authorized By: Joseph V. Doria, Jr., Commissioner, Department of Community Affairs.

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

Proposal Number: PRN 2009-

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

Submit written comments by _____, 2009 to:

Michael L. Ticktin, Esq.

Chief, Legislative Analysis

Department of Community Affairs

PO Box 802

Trenton, NJ 08625

Fax No. (609) 633-6729

JOSEPH V. DORIA, JR., Commissioner

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the rules concerning local housing authority crime reports, N.J.A.C. 5:44A, are scheduled to expire on May 15, 2010. 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 change.

The rules proposed for reoption are intended to implement P.L. 2003, chapter 254 (N.J.S.A. 52:27D-3.4 *et seq.*), which requires local housing authorities and the Department of Community Affairs to report certain information on violent crimes and drug offenses to the Legislature. The rules establish procedures for collecting and reporting data on violent crimes and drug offenses committed on housing authority properties, as well as on properties of 10 or more rental units receiving project-based Federal section 8 rental assistance (“project-based housing”).

The rules require all executive directors of housing authorities and all owner of project-based housing to file reports with the Department no later than September 1 of each year on a form provided by the Department for this purpose. The report must include the number and type of violent crimes and drug offenses that occurred on the property during the preceding State fiscal year (July 1 through June 30).

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 rules proposed for reoption have a positive social impact insofar as they provide a means for furthering the awareness of local housing authorities and owners of project-based housing of the extent of crime and drug abuse on their properties. The information gathered is useful for law enforcement planning purposes.

Economic Impact

Compliance with the statutory reporting requirement implemented by the rules proposed for re adoption imposes costs upon the local housing authorities and project-based housing owners who collect and submit the required information, upon the Department, which compiles the information submitted and prepares reports, and upon the police departments that use the information for planning and enforcement purposes. These costs are reduced to the extent that this information is already compiled and reported to the State Police under the New Jersey Uniform Crime Reporting Law. Costs may be incurred by housing authorities for employee crime prevention training, but reimbursement for such training programs is available from the Federal government.

Since all that the rules proposed for re adoption actually add to the statutory requirements is the prescribing of the reporting form, they do not, in and of themselves, impose any costs.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being proposed for re adoption 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

To the extent that these rules result in increased awareness of security needs, they may result in the creation of additional jobs for security personnel.

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of this chapter.

Regulatory Flexibility Statement

In addition to affecting local housing authorities, the rules proposed for readoption establish specific recordkeeping, compliance and reporting requirements for owners of properties with 10 or more rental units receiving project-based Federal section 8 rental assistance, many of whom may qualify as “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 *et seq.* Compliance with the rules should not require any such “small business” to hire professional services that they would not otherwise find it necessary to retain. The requirement to compile and report crime data is imposed by statute on all covered property owners, regardless of the size or form of organization of their rental housing business. No differential reporting, recordkeeping or compliance requirements would therefore be appropriate.

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 readoption of these rules.

Smart Growth Development Impact

This proposal is intended to readopt rules concerning preparation, submission and compilation of reports on violent crimes and drug crimes committed on properties of local housing authorities and other properties with at least 10 Federally-subsidized rental housing units.. It would be most unlikely to have any impact upon housing production

within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Housing Affordability Impact

This proposal is intended to readopt rules concerning preparation, submission and compilation of reports on violent crimes and drug crimes committed on properties of local housing authorities and other properties with at least 10 Federally-subsidized rental housing units.. It would be most unlikely to have any impact upon housing production costs or to affect affordability.

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