# MINUTES OF THE 362<sup>ND</sup> BOARD MEETING OF THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

#### MEMBERS:

Lori Grifa, Commissioner DCA

\* Charles Richman, Assistant Commissioner, DCA

\*\* Susan Fischer, Assistant Attorney General (representing Paula Dow, Attorney General)

\*\*\* Robert Romano, Deputy State Treasurer, Department of Treasury (representing Andrew Sidamon-Eristoff, State Treasurer)

\*\*\*\* Thomas Hunt, Assistant Director, Office of Consumer Finance, Department of Banking and Insurance

(representing Thomas Considine, Commissioner, Department of Banking and Insurance)

\*\*\*\*\* Dan Bachalis, Acting Assistant Director for Housing Policy, Planning and Evaluation

Division of Mental Health Services, Department of Human Services

(representing Jennifer Velez, Commissioner, Department of Human Services)

Monsignor William Linder

Dorothy Blakeslee Stanley Weeks

#### **OFFICIALS**

PRESENT:

Anthony Marchetta, Executive Director

Tracee Battis, Chief of Programs Lenore Rosner, Chief of Operations

Leslie Lefkowitz, Chief of Legal and Regulatory Affairs

David Bonomo, Chief Financial Officer

Michael Floyd, Chief of Program Services Claudia Lovas, Director of Program Development

Marisol Rodriguez, Assistant Director of Multifamily Programs and Credits

Jerry Keelen, Director of Single Family Barbara Geary, Legal Affairs Officer

Terry Fink, Director of Finance

Yirgu Wolde, Manager of Supportive Housing and Special Needs

Darryl Applegate, Director of Regulatory Affairs

Colleen Smith, Urban Coordinator

Amy Palmer, Program Outreach Coordinator

Dawn Parreott, Legislative Liaison

Grace Roselli, Director of Information Technology

Joyce Earley, Supervisor of Single Family Construction Loan Programs

Anthony Kasperek, Construction Officer

Laura A. Shields, Special Needs Housing Loan Officer

Harry Tucci, General Services Assistant

Carilyn Willis, Executive Secretary

### OTHERS PRESENT:

Kavin Mistry, Deputy Attorney General Particia Roach, Deputy Attorney General James O'Donohue, Hill Wallack Michael Baumrin, RBC Nicole Crifo Governor Authority Unit Stu Bressler Lewis Esposito

- \* Letter of June 27, 2011 designating Charles Richman to represent Lori Grifa, Commissioner, DCA
- \*\* Letter of April 12, 2011 designating Susan Fischer to represent the Attorney General
- \*\*\* Letter of December 10, 2010 designating Robert Romano to represent the State Treasurer
- \*\*\*\* Letter of July 2, 2010 designating Thomas Hunt to represent Thomas Considine, Commissioner, Department of Banking and Insurance
- \*\*\*\*\* Letter of June 4, 2010 designating Dan Bachalis to represent Jennifer Velez, Commissioner, Department of Human Services

Chairman Grifa read the following into the minutes:

#### SUNSHINE ACT

"The New Jersey Housing and Mortgage Finance Agency gave notice of the time, place and date of this meeting by facsimile, regular mail and hand delivery on June 20, 2011 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."

Chairman Grifa read the following Resolution to enter into closed session:

### RESOLUTION OF THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY TO CONDUCT A CLOSED SESSION

WHEREAS, pursuant to N.J.S.A. 10:4-12 and 10:4-13 of the Open Public Meetings Act, the Agency intends to obtain legal advice for HMFA # 1513 Broadway Arts Center and HMFA #1388 Whitlock Mills and NOW, THEREFORE, be it resolved by the Members of the New Jersey Housing and Mortgage Finance Agency as follows:

- 1. A closed session shall be held by the Agency for the purposes set forth above.
- 2. The discussions undertaken at the closed session will be disclosed when the need for confidentiality no longer exists.

Thomas Hunt moved and Monsignor Linder seconded approval to enter into Executive Session at 10:05 a.m.

Aye-Lori Grifa, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

Commissioner Grifa left the meeting after turning the meeting over to Charles Richman.

### **APPROVAL OF MINUTES**

APPROVAL OF THE MINUTES OF THE MAY 19, 2011 MEETING OF THE HMFA BOARD – ITEM 1A. Thomas Hunt moved and Stanley Weeks seconded approval of the Minutes of the May 19, 2011 meeting of the HMFA Board.

#### APPROVAL OF THE ABC CORPORATION MINUTES OF JUNE 23, 2011 MEETING - ITEM 1B.

Robert Romano moved and Dorothy Blakeslee seconded approval of the minutes of A Better Camden (ABC) Corporation meeting held June 23, 2011.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks

Nay-None

#### SINGLE FAMILY

#### CHOICE 2011 - APPROVAL OF FUNDING AND PROGRAM GUIDELINES - ITEM 2A.

Dorothy Blakeslee moved and Stanley Weeks seconded 1. Approval of the CHOICE Program ("CHOICE") 2011 Program Guidelines, attached in substantially final form in the Request for Action. 2. Authorization for the Executive Director to make non-substantive changes to the Program in consultation with the Attorney General's office. 3. Authorization to make available up to Twelve (\$12,000,000) Million Dollars from unallocated CHOICE project monies for the purpose of providing 2011 CHOICE Subsidy Funding. 4. Authorization to make pari passu co-first construction loan funding available from the Agency's General Fund. 5. Authorization to provide 100% Financing Program end loans to purchasers of CHOICE units.

Tony Marchetta advised the Board that the funding for CHOICE 2011 is from previously committed funding which was available for recapture. He stated that the Agency was returning to the original intent of the Program which is to generate emerging market and/or workforce housing.

Dan Bachalis stated his concern with removing the affordable housing subsidy from the Program especially for the low and very low income families.

Charles Richman stated that the HMFA does provide housing opportunities for low income families through multifamily and tax credit programs.

Dorothy Blakeslee stated that she did agree that there is a portion of the community that should not be homeowners.

Aye-Charles Richman, Susan Fischer, Robert Romano, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay- Dan Bachalis

### CHOICE #09-44 - HIGHLAND PINES AT MEGAN'S LANDING - APPROVAL OF A MORTGAGE FINANCING COMMITMENT EXTENSION - ITEM 2B.

Stanley Weeks moved and Dorothy Blakeslee seconded 1. Approval of an extension of a financing commitment for the project known as CHOICE # 09-44, Highland Pines at Megan's Landing to July 31, 2011. 2. Approval for the Executive Director, in consultation with the Attorney General's Office, to take any action that is necessary to effectuate this transaction.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks

Nay-None

#### **MULTIFAMILY**

# HMFA #02674/SNHTF #237 - BAYONNE TRANSIT ORIENTED WORKFORCE FAMILY HOUSING - APPROVAL OF A MORTGAGE FINANCING COMMITMENT - ITEM 3A.

Monsignor Linder moved and Robert Romano seconded 1. Approval of a mortgage commitment for an estimated \$7,666,000 in construction and permanent financing for a project known as Bayonne Transit Oriented Workforce Family Housing, HMFA #02674, SNHTF #237 (the "Project"), upon the terms and conditions set forth below. This commitment will also serve as a Declaration of Intent ("DOI") of the Agency to issue tax exempt bonds in an estimated \$7,666,000 in construction and permanent financing for such project, upon the terms and conditions set forth below. Approval of this DOI will establish for tax purposes the eligibility of costs associated with pre-bond sale and development work on the project. By this action, the Board expresses its present intent to issue bonds for this project, and declares its intent that the DOI be determined to be a declaration of official intent under Treas. Reg. ! 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended. 2. Approval of a second mortgage loan commitment for an estimated \$1,200,000 in construction and permanent financing from the Special Needs Housing Trust Fund for a project known as Bayonne Transit Oriented Workforce Family Housing, HMFA #02674, SNHTF #237 (the "Project"), upon the terms and conditions set forth in the Request for Action. 3. A determination by the Board pursuant to N.J.S.A. 55:14K-8a that certain income limitations shall not apply to the Bayonne Transit Oriented Workforce Family Housing, HMFA #02674, SNHTF #237, in order to promote the long term viability of the neighborhood and spur its revitalization.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

# <u>HMFA #02485 – WEST 2<sup>ND</sup> STREET COMMONS – APPROVAL OF A MORTGAGE FINANCING COMMITMENT – ITEM 3B.</u>

Thomas Hunt moved and Stanley Weeks seconded 1. Approval of a mortgage commitment for an estimated \$9,949,000 in permanent financing for a project known as West 2<sup>nd</sup> Street Commons, HMFA #02485 (the "Project"), upon the terms and conditions set forth in the Request for Action. 2. Approval of a second mortgage loan commitment for an estimated \$4,000,000 in permanent financing from the City Living Program for a project known as West 2<sup>nd</sup> Street Commons, HMFA #02485 (the "Project"), upon the terms and conditions set forth in the Request for Action. 3. A determination by the Board pursuant to N.J.S.A. 55:14K-8a that certain income limitations shall not apply to the New Street Apartments, HMFA #02270, in order to promote the long term viability of the neighborhood and spur its revitalization.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

### <u>HMFA #02653 - BENEDICTS PLACE – APPROVAL OF A MORTGAGE FINANCING COMMITMENT – ITEM 3C.</u>

Dorothy Blakeslee moved and Robert Romano seconded 1. Approval of a mortgage commitment for an estimated \$8,500,000 in construction only financing for a project known as Benedicts Place, HMFA #02653 (the "Project"), upon the terms and conditions set forth in the Request for Action.

### HMFA #02665 - PHOENIX FOX, LLC - APPROVAL OF A MORTGAGE FINANCING COMMITMENT – ITEM 3D.

Thomas Hunt moved and Dorothy Blakeslee seconded 1. Approval of a mortgage commitment for an estimated \$328,000 in permanent financing from the Small Rental Project Loan Program for a project known as Phoenix Fox, LLC, HMFA #02665 (the "Project"), upon the terms and conditions set forth in the Request for Action. 2. Approval of a second mortgage subsidy loan commitment for an estimated \$300,000 from the Small Rental Housing Project Loan Program for a project known as Phoenix, Fox, LLC, HMFA #02665, upon the terms and conditions set forth in the Request for Action.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

### <u>HMFA #02328 - PACIFIC APARTMENTS - APPROVAL OF A MORTGAGE FINANCING RECOMMITMENT - ITEM 3E.</u>

Dorothy Blakeslee moved and Robert Romano seconded 1. Approval of a re-commitment for an estimated \$3,300,000 in permanent financing for a project known as Pacific Apartments, HMFA #02328, upon the terms and conditions set forth in the Request for Action.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

### HMFA #02399 - CONIFER VILLAGE AT CAPE MAY COUNTY - APPROVAL OF A MODIFICATION TO THE MORTGAGE FINANCING COMMITMENT - ITEM 3F.

Stanley Weeks moved and Dan Bachalis seconded 1. Approval of an amendment to modify the stabilization condition #13 listed in the previous board item dated 10/29/2009, from 6 months to 3 months stabilization for the senior project known as Conifer Village at Cape May, HMFA #02399. The loan amount is \$1,396,940 and the current commitment is valid until July 31, 2011 with two 90 day extensions that still remain available.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

### <u>HMFA #02682 - LAUREL OAKS - APPROVAL OF A MORTGAGE FINANCING COMMITMENT - ITEM</u> 3G.

Robert Romano moved and Thomas Hunt seconded 1. Approval of a commitment for an estimated \$2,500,000 in permanent financing for a project known as Laurel Oaks, HMFA #02682 (the "Project"), upon the terms and conditions set forth in the Request for Action.

# <u>HMFA' #2405/SNTF #282 - WINSLOW COMMONS FAMILY APARTMENTS - APPROVAL OF A MORTGAGE FINANCING COMMITMENT - ITEM 3H.</u>

Dorothy Blakeslee moved and Thomas Hunt seconded 1. Approval of a mortgage commitment for an estimated \$1,226,000 in permanent financing for a project known as Winslow Commons Family Apartments, HMFA #2405/SNHTF #282 (the "Project"), upon the terms and conditions set forth in the Request for Action. 2. Approval of a second mortgage loan commitment for an estimated \$500,000 in construction and permanent financing from the Special Needs Housing Trust Fund for a project known as Winslow Commons Family Apartments, HMFA #02405, SNHTF #282 (the "Project"), upon the terms and conditions set forth in the Request for Action.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

### APPROVAL OF MULTIFAMILY SOLAR FUNDING PILOT PROGRAMS LOANS - ITEM 31.

Monsignor Linder moved and Dorothy Blakeslee seconded 1. Authorization to award loans in an amount not to exceed \$5.3 million to specific Agency developments (see list of qualifying project applicants set forth at attached Schedule A-1) from funding received from the NJ Board of Public Utilities (BPU) and specifically allocated from the American Recovery & Reinvestment Act of 2009, Public Law 111-5 (ARRA) as previously approved at the June 18, 2009 meeting (see attached Schedule B in the Request for Action). 2. Authorization to extend the mortgage commitment dates for projects previously committed at the May 19, 2011 and April 15, 2011 board meetings (set forth in the attached Scheduled A-2 in the Request for Action). 3. Authorization for the Executive Director, Chief Financial Officer, Chief of Programs and the Chief of Legal and Regulatory Affairs or designee to take all actions and to execute and deliver any and all documents necessary to effectuate the above actions, including to adjust this amount pursuant to the Underwriting Parameters set forth in the Request for Action.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

### SUPPORTIVE HOUSING

# <u>DEVELOPMENTAL DISABILITIES PARTNERSHIP LOAN PROGRAM - APPROVAL OF FUNDING AND PROGRAM GUIDELINES – ITEM 4A.</u>

Dan Bachalis moved and Monsignor Linder seconded 1. Approval to fund the Developmental Disabilities Partnership Loan Program (DDPLP) through a de-appropriation and re-allocation of \$13 million dollars from the HMFA Multifamily Loan Production Account; 2. Approval of DDPLP Guidelines and delegation to the HMFA Executive Director to make non-substantive changes to the DDPLP Guidelines in consultation with the Office of the Attorney General; and 3. Delegation to the HMFA Executive Director to a.) serve on and appoint other HMFA staff to a loan review committee, which will also be comprised of representatives from the Department of Community Affairs (DCA) and the Department of Human Services, Division of Developmental Disabilities; b.) award DDPLP loan commitments in an amount not to exceed \$500,000 per project in accordance with DDPLP Guidelines; c.) execute any and all documents necessary to effectuate receipt of DDPLP Program funds, in consultation with the Attorney General's Office; and d.) in consultation with the Attorney General's Office, execute an amendment to the Memorandum of Understanding between HMFA and DCA concerning Home Express, as may be necessary.

Dorothy Blakeslee asked for clarification regarding the type of units. Tracee Battis stated that eligible properties include single family detached homes, condominiums and townhouses.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

## HMFA #02667/SNHTF #267 - UNION CITY AFFORDABLE HOUSING - APPROVAL OF A MORTGAGE FINANCING COMMITMENT - ITEM 4B.

Thomas Hunt moved and Stanley Weeks seconded 1. Approval of a mortgage commitment in the estimated amount of \$3,243,000 in construction and permanent financing from the Special Needs Housing Trust Fund for a project known as Union City Affordable Housing, HMFA #02667 / SNHTF #267 (the "Project"), upon the terms and conditions set forth in the Request for Action.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

### <u>HMFA #02647/SNHTF #258 – MONMOUTH JUNCTION SUPPORTIVE HOUSING – APPROVAL OF A MORTGAGE FINANCING COMMITMENT - ITEM 4C.</u>

Dorothy Blakeslee moved and Dan Bachalis seconded 1. Approval of a mortgage commitment in the amount of \$459,050 in construction and permanent financing from the Special Needs Housing Trust Fund for a project known as Monmouth Junction Supportive Housing, HMFA #02647 / SNHTF #258 (the "Project"), upon the terms and conditions set forth in the Request for Action.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

#### **REGULATORY AFFAIRS**

### <u>APPROVAL OF ADOPTION OF PROPOSED AMENDMENTS TO AGENCY RULES ON INVESTMENT OF HOUSING PROJECT FUNDS – ITEM 5A.</u>

Dorothy Blakeslee moved and Monsignor Linder seconded 1. Approval of the adoption of proposed amendments to N.J.A.C. 5:80-29, regulating investment by housing sponsors of housing project funds. 2. Acknowledgement of public comment received and adoption of proposed response thereto. 3. Authorization for the Executive Director, the Administrative Practice Officer, and/or staff, as appropriate, in consultation with the Attorney General's office, to prepare, execute and file an adoption notice for amendment of the regulation in form and content substantially similar to the attached with the Office of Administrative Law (OAL) for publication in the New Jersey Register.

### INFORMATION TECHNOLOGY

# AUTHORIZATION TO ENTER INTO AN INTER-GOVERNMENTAL AGREEMENT BETWEEN HMFA AND EDA FOR SHARED USE OF EDA'S DISASTER RECOVERY SITE- ITEM 6A.

Dorothy Blakeslee moved and Thomas Hunt seconded 1. Authorization to enter into an Inter-Governmental Agreement between the Agency and the NJ Economic Development Authority ("EDA") for shared use of EDA's disaster recovery site and facilities. 2. Authorization for the Executive Director and/or the Chief of Operations, in consultation with the Attorney General's office, to execute an agreement in substantially the format attached in the Request for Action, and to execute any and all additional documents necessary to effectuate and complete the agreement.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks Nay-None

#### **INFORMATIONAL ITEM**

Chief Financial officer, David Bonomo advised the Board that the Finance and Audit Committee will meet immediately after the Board meeting at which time the external auditors will present the Finance and Audit Committee with the Agency Financials. He stated that the Financials will be provided to the full Board at the next Board meeting. He also advised the Board that the HMFA priced \$253 million in Single Family Revenue Bonds last week at a very favorable price.

#### OTHER BUSINESS

Tony Marchetta presented the board with the NJ Futures award for the CHOICE project known as Cracker Factory, located in Trenton. He also provided the board with an update on the HomeKeeper Program and advised them that the HomeKeeper budget was included in the Board book.

#### MOTION TO ADJOURN

Robert Romano moved and Dorothy Blakeslee seconded a motion to adjourn at 11:50 a.m.

Aye-Charles Richman, Susan Fischer, Robert Romano, Dan Bachalis, Thomas Hunt, Monsignor Linder, Dorothy Blakeslee, Stanley Weeks

Vay-None



### State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

101 South Broad Street PO Box 800 Trenton, NJ 08625-0800

LORI GRIFA Commissioner

June 27, 2011

Anthony Marchetta, Executive Director NJ Housing and Mortgage Finance Agency PO Box 18550 Trenton, New Jersey 08625

Dear Executive Director Marchetta:

CHRIS CHRISTIE

KIM GUADAGNO

Lt. Governor

Governor

Please accept this letter as formal notification that Assistant Commissioner Charles Richman will represent me at tomorrow's NJHMFA Board Meeting.

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

LORI GRIFA/

Commissioner



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO Box 080

PO Box 080 Trenton NJ 08625-0080 20; APR 20 PM 2: 05

PAULA T. DOW Attorney General

20H

April 12, 2011

Honorable Lori Grifa
Commissioner
Department of Community Affairs
New Jersey Housing and Mortgage Finance Agency
P.O. Box 800
Trenton, New Jersey 08625-0800

Dear Commissioner Grifa:

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

I hereby designate Susan K. Fischer, Assistant Attorney General, to represent me in my absence at the meetings of the New Jersey Housing and Mortgage Finance Agency. In the event of AAG Fischer's absence, Deputy Attorney General Aimee Manocchio Nason is authorized to vote in my stead and to otherwise act on my behalf.

Very truly yours

Paula T. Dow Attorney General

c: Secretary of State
Susan K. Fischer, Assistant Attorney General
Aimee Manocchio Nason, Deputy Attorney General





CHRIS CHRISTIE

State of New Jeroey
DEPARTMENT OF BANKING AND INSURANCE
OFFICE OF THE COMMISSIONER
PO BOX 325
TRENTON, NJ 08625-0325

THOMAS B. CONSIDINE Commissioner

KIM GUADAGNO Lt. Governor

TEL (609) 292-7272

July 2, 2010

Marge Della Vecchia
Executive Director
NJ Housing and Mortgage Finance Agency
37 South Clinton Avenue – PO Box 18550
Trenton, NJ 08650

Re:

**Board Meeting Designee** 

Dear Ms. Della Vecchia:

My designee for the New Jersey Housing Mortgage and Finance Agency Board meetings is Thomas Hunt, Assistant Director, Office of Consumer Finance.

If you have any questions, please do not hesitate to call Mr. Hunt at (609) 292-7272, ext. 50223.

Very truly yours,

Tom Considine Commissioner

C: Thomas Hunt Assistant Director, OCF

> Garret Komjathy Director of Banking