MINUTES OF THE 452nd BOARD MEETING
OF THE
NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

January 24, 2019

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)
**** Thomas Hunt, Assistant Director of the Office of Consumer Finance, Department of Banking and Insurance (representing Marlene Caride, Commissioner, Department of Banking and Insurance)
***** Elisa Neira, Deputy Commissioner (representing Carole Johnson, Commissioner, Department of Human Services)

Stanley Weeks

HMFA STAFF PRESENT:

Charles A Richman, Executive Director
Deb Urban, Chief of Legal and Regulatory Affairs
Donna Rendeiro, Chief of Administration
John Murray, Chief Financial Officer
Laura Shea, Chief of Programs
Tanya Hudson – Murray, Director of Multifamily Programs and Lending
Claudia Lovas, Deputy Executive Director
Catherine Bernard, Assistant Director of MF Program Funding
Erica Boland, Graphic / Web Designer
Michelle Lawlor, Digital Marketing Communications Coordinator
Nancy Kearny, Marketing and Communications Copywriter
Darryl Applegate, Director of Regulatory Affairs
Jim Peaseo, Senior Legal Research Analyst II
Yadira Simmons, Assistant Director of Loan Closings
Joseph Heath, Director of Capital Markets and Board Compliance
Michael Acciani, Credit Officer II
Jordan Moskowitz, Director of Single Family
Jeanette Nieves, Executive Board Secretary
Adrian Bernard, Multi Family Analyst I
Julianne Reese, Assistant Director of Finance
Theresa Fink, Director of Finance
Karen Becker, Executive Assistant
Kimberly McMillan, Assistant Director of Finance
Susan Tonry, Bond Analyst I
Robert J. Strycharski, Assistant Director of SF Program Funding
OTHERS
PRESENT:

Kavin Mistry, Deputy Director, Attorney General's Office
Craig Ambrose, Assistant Counsel, Governor's Authority Unit
Rebecca Reape, Wells Fargo

* 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 18, 2018 designating Robert Shaughnessy to represent the Acting State Treasurer, Elizabeth Maher Muoio
**** Letter of January 24, 2018 designating Thomas Hunt to represent Marlene Caride, Commissioner, Department of Banking and Insurance
***** Letter of June 25, 2018 designating Elisa Neira to represent Carole Johnson, Commissioner, Department of Human Services
Robert Long, Deputy Commissioner 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 electronic mail, regular mail and hand delivery on January 16, 2019 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 DECEMBER 13, 2018 MEETING OF THE HMFA BOARD – ITEM 1A.**

*Robert Shaughnessy moved and Aimee Manocchio-Nason seconded.* 1. Approval of the Public Session Minutes of the December 13, 2018 meeting of the HMFA Board.

_Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira
Nay – None
Abstained- None_

**APPROVAL OF THE PUBLIC SESSION MINUTES OF THE JANUARY 8, 2018 SPECIAL TELECONFERENCE MEETING OF THE HMFA BOARD – ITEM 1B.**

*Thomas Hunt moved and Robert Shaughnessy seconded.* 1. Approval of the Public Session Minutes of the January 8, 2019 Special Teleconference meeting of the HMFA Board.

_Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira
Nay – None
Abstained- None_

**DELINQUENT ASSETS**

**CHOICE #11-85- NELSON HOUSE – APPROVAL OF A DECLARATION OF DEFAULT AND WORKOUT - ITEM 2A**

*Thomas Hunt moved and Aimee Manocchio Nason seconded.* 1. Approval to issue an Agency Action Notice to Salem Condos, LLC (the “Owner”), of Nelson House / Washington Hall (the “Project”) and the lender, First Citizens Bank & Trust Company, successor by merger to Harvest Community Bank, as a result of the occurrence of an Event of Default as set forth in the Loan Documents (defined below). 2. Approval of a Declaration of Default with respect to the Owner for failure to pay its mortgage loan obligations, failure to repay the subsidies awarded to the Project, in the absence of a proper and timely response to the Agency Action Notice set forth above and in accordance with Paragraph 5(d) of the Intercreditor Agreement. 3.
Authorization to forebear from exercising remedies and from issuing a notice of Declaration of Default under the Loan Documents for a period of 90 days in order to execute the workout plan (as detailed below), with authorization to the Executive Director to extend the forbearance period by an additional 90 days. 4. Delegation to and authorization for the Executive Director, Deputy Executive Director, Chief Financial Officer, the Chief of Legal and Regulatory Affairs, and the Chief of Programs to negotiate and execute the workout plan with the Owner to satisfy its obligations under the Construction Mortgage Note Loan Documents and implement the Workout Plan as described below. 5. Approval for the Executive Director, in consultation with the Attorney General’s Office, to take any action that is necessary to effectuate this transaction.

Nay – None
Abstained– None

HMFA #1321– TAMARACK STATION APARTMENTS – APPROVAL OF A DECLARATION OF DEFAULT AND WORKOUT - ITEM 2B

Aimee Manocchio-Nason moved and Elisa Neira seconded. 1. Approval of a Declaration of Default against Ferry Station, LLC (the “Owner”) regarding Tamarack Apartments, HMFA #1321 (the “Project”) which is in default of certain provisions of the Loan Documents (as defined below). 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 principal 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 for a period of 90 days in order to execute the Workout Plan (as defined below), and authorization for the Executive Director to extend the forbearance period by an additional 90 days in his discretion. 4. Delegation to and authorization for the Executive Director, Deputy Executive Director, Chief Financial Officer, the Chief of Legal and Regulatory Affairs, and the Chief of Programs 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, the Deputy Executive Director, the Chief Financial Officer, the Chief of Programs, or the Chief of Legal and Regulatory Affairs to execute any and all documents necessary to effectuate the above actions.

Nay – None
Abstained– None

SUPPORTED HOUSING PROGRAMS

APPROVAL OF REVISIONS TO THE SPECIAL NEEDS HOUSING TRUST FUND AND FINANCING POLICY GUIDELINES – ITEM 3A

PULLED
MULTI FAMILY - FOUR PERCENT TAX CREDITS

HMFA #03305 - JELIFF ESTATES - APPROVAL OF A DECLARATION OF INTENT - ITEM 4A

Thomas Hunt moved and Aimee Manocchio-Nason seconded. 1. Approval of a “Declaration of Intent” stating the intention of the Agency, subject to the availability of volume cap, to issue tax-exempt bonds in an estimated amount not to exceed $8,652,000 in construction and permanent loan financing for a project known as Jeliff Estates, HMFA #03305 (the “Project”), upon the terms and conditions set forth in the RFA. Approval of this “Declaration of Intent” 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 this Declaration of Intent 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. The ability of the Project to conform to the Agency’s Multifamily Underwriting Guidelines and Financing Policy (the “Guidelines”), as well as compliance with federal tax and other laws, has not yet been determined. This approval does not obligate the Agency to take any further action in connection with this Project, including any approval to allocate tax-exempt bond volume cap, to issue bonds or to provide first mortgage financing, gap financing or a tax credit allocation. This approval for a Declaration of Intent is not intended to give this Project any preference over any other project.

Nay – None
Abstained– None

MULTI FAMILY – FOUR PERCENT TAX CREDITS - CONDUIT

HMFA #01321A - TAMARACK STATION APARTMENTS – APPROVAL OF A DECLARATION OF INTENT – ITEM 5A

Robert Shaughnessy moved and Thomas Hunt seconded. 1. Approval of a “Declaration of Intent” stating the intention of the Agency, subject to the availability of volume cap, to issue tax-exempt bonds in an estimated amount not to exceed $29,932,000 in permanent financing for a project known as Tamarack Station Apartments, HMFA #01321A (the “Project”), upon the terms and conditions set forth in the RFA. Approval of this "Declaration of Intent" 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. The ability of the Project to conform to the Conduit Bond Program, as well as compliance with federal tax and other laws, has not yet been determined. This approval does not obligate the Agency to take any further action in connection with this Project, including any approval to allocate tax-exempt bond volume cap, to issue bonds or to provide first mortgage financing, gap financing or a tax credit allocation. This approval for a Declaration of Intent is not intended to give this Project any preference over any other project.

Nay – None
Abstained– None
HMFA #00618A – PILGRIM BAPTIST VILLAGE I & II – APPROVAL OF A DECLARATION OF INTENT – ITEM 5B

Thomas Hunt moved and Aimee Manocchio-Nason seconded. 1. Approval of a “Declaration of Intent” stating the intention of the Agency, subject to the availability of volume cap, to issue tax-exempt bonds in an estimated amount not to exceed $52,800,000 in construction only financing for a project known as Pilgrim Baptist Village I & II, HMFA #00618A (the “Project”), upon the terms and conditions set forth in the RFA. Approval of this "Declaration of Intent" 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. Sub 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended. The ability of the Project to conform to the Conduit Bond Program, as well as compliance with federal tax and other laws, has not yet been determined. This approval does not obligate the Agency to take any further action in connection with this Project, including any approval to allocate tax-exempt bond volume cap, to issue bonds or to provide first mortgage financing, gap financing or a tax credit allocation. This approval for a Declaration of Intent is not intended to give this Project any preference over any other project.

Nay – None
Abstained- None

HMFA #03356– OCEANPORT GARDENS – APPROVAL OF A DECLARATION OF INTENT – ITEM 5C

Thomas Hunt moved and Robert Shaughnessy seconded. 1. Approval of a “Declaration of Intent” stating the intention of the Agency, subject to the availability of volume cap, to issue tax-exempt bonds in an estimated amount not to exceed $17,640,000 in construction financing for a project known as Oceanport Gardens, HMFA #03356 (the “Project”), upon the terms and conditions set forth in the RFA. Approval of this "Declaration of Intent" 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. Sub 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended. The ability of the Project to conform to the Conduit Bond Program, as well as compliance with federal tax and other laws, has not yet been determined. This approval does not obligate the Agency to take any further action in connection with this Project, including any approval to allocate tax-exempt bond volume cap, to issue bonds or to provide first mortgage financing, gap financing or a tax credit allocation. This approval for a Declaration of Intent is not intended to give this Project any preference over any other project.

Nay – None
Abstained- None
REGULATORY AFFAIRS

APPROVAL OF ADOPTION OF AMENDMENTS TO THE AGENCY’S RENT RULES AT N.J.A.C. 5:80-9.1 ET. SEQ. – ITEM 6A


Nay – None
Abstained – None

Stanley Weeks joined the Board Meeting at 10:17 am.

APPROVAL OF PROPOSAL OF AMENDMENTS TO THE AGENCY’S RULES GOVERNING CERTIFICATION AND RECERTIFICATION OF INCOME AT N.J.A.C. 5:80-20.1 ET. SEQ. – ITEM 6B

Aimee Manocchio Nason moved and Elisa Neira seconded. 1. Approval of the proposal of amendments and new rules to the Agency’s Certification and Recertification of Income rules at N.J.A.C. 5:80-20 in substantially the form attached hereto. 2. Authorization for Agency staff, in conjunction with the Attorney General’s Office, to prepare and forward to the Office of Administrative Law (“OAL”) an appropriate proposal notice for publication in the New Jersey Register.

Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained – None

APPROVAL OF PROPOSAL OF AMENDMENTS TO THE AGENCY’S RULES GOVERNING PREPAYMENT OF LOANS TO HOUSING PROJECTS AT N.J.A.C. 5:80-5.10 ET. SEQ. – ITEM 6C

Thomas Hunt moved and Robert Shaughnessy seconded. 1. Approval of the proposal of amendments and new rules to the Agency’s Prepayment rules at N.J.A.C. 5:80-5.10 in substantially the form attached hereto. 2. Authorization for Agency staff, in conjunction with the Attorney General’s Office, to prepare and forward to the Office of Administrative Law (“OAL”) an appropriate proposal notice for publication in the New Jersey Register.

Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained – None
APPROVAL TO EXTEND THE CONDUIT BOND FINANCING PROGRAM AS A DEMONSTRATION PROJECT PURSUANT TO N.J.S.A. 54:14K-5X ET SEQ – ITEM 6D

Thomas Hunt moved and Aimee Manocchio Nason seconded. 1. Approval to extend the Conduit Bond Financing Program as a demonstration project pursuant to N.J.S.A. 55:14K-5x for an additional period of twenty-four (24) months or until the effective date of promulgation of proposed new rule(s) and related amendments, whichever occurs first

Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained- None

CAPITAL MARKETS

HMFA #03304 – DAUGHTERS OF ISRAEL – APPROVAL OF CONDUIT BOND DOCUMENTS - ITEM 7A

Aimee Manocchio Nason moved and Elisa Neira seconded. 1. Approval of the attached Resolution Authorizing and Directing the Execution, Delivery, Issuance and Sale of the New Jersey Housing and Mortgage Finance Agency’s Multifamily Conduit Revenue Bonds (Daughters of Israel Project), Series 2019 under the Agency’s Multi-Family Conduit Bond Program in a Principal Amount Not to Exceed $23,724,000; and Authorizing and Approving the Execution and Delivery of a Funding Loan Agreement, a Borrower Loan Agreement, and Related Documents and Authorizing Other Matters in Connection Therewith (the “Resolution”).

Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained- None

HMFA #03303 – AL GCNER RESIDENCES – APPROVAL OF CONDUIT BOND DOCUMENTS - ITEM 7B

Aimee Manocchio Nason moved and Stanley Weeks seconded. 1. Approval of the attached Resolution Authorizing and Directing the Execution, Delivery, and Issuance of the New Jersey Housing and Mortgage Finance Agency’s Multi-Family Conduit Revenue Note (Al Gommer Residence Project), Series 2019, Under the Agency’s Multi-Family Conduit Bond Program in a Principal Amount not to exceed $11,430,000 and Authorizing and Approving the Execution and Delivery of a Funding Loan Agreement, a Borrower Loan Agreement, and Related Documents and Authorizing Other Matters in Connection Therewith (the “Resolution”).

Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained- None
ANNUAL MEETING

APPROVAL OF THE SCHEDULE OF REGULAR BOARD MEETINGS FOR 2019 AND DESIGNATION OF THE AGENCY’S OFFICIAL NEWSPAPERS - ITEM 8A


Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained- None

ELECTION OF A VICE CHAIR - ITEM 8B


Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained- None

PRESENTATIONS

*Joseph Heath, Director of Capital Markets will provide an overview of the Capital Markets Division.*

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

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

MOTION TO ADJOURN

*Thomas Hunt moved and Robert Shaughnessy seconded a motion to adjourn at 10:55 a.m.*

Aye – Robert Long, Aimee Manocchio-Nason, Robert Shaughnessy, Thomas Hunt, Elisa Neira, Stanley Weeks
Nay – None
Abstained- None
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
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

cc: 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,

[Signature]

Elizabeth Maher Muoio
Acting State Treasurer
January 24, 2018

Claudia Lovas, Acting Executive Director  
NJ Housing Mortgage and Finance Agency  
637 South Clinton Avenue  
PO Box 18350  
Trenton, NJ 08650  

Re:  NJ HMFA Board Meeting Designee  

Dear Ms. Lovas:  

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

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

Very truly yours,  

[Signature]  

Marlene Caride  
Acting Commissioner  

cc:  Patrick Mullen, Director of Banking  
Thomas M. Hunt, Assistant Division Director, Office of Consumer Finance, Division of Banking
November 2, 2018

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

Dear Mr. Richman:

Please be advised that I have designated Elisa Neira as the Department of Human Services’ representative for the New Jersey Housing and Mortgage Finance Agency Board. Should Ms. Neira not be available, Steve Shultz will serve as the alternate.

Meeting materials should be sent to the following mailing address:

Elisa Neira  
NJ Department of Human Services  
P.O. Box 700  
Trenton, New Jersey 08625  
609-984-5550 – Office  
Elisa.Neira@chs.state.nj.us

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

Sincerely,

Carole Johnson  
Acting Commissioner

CJ/lk  
c: Jill Shortway Ippolito  
Elisa Neira  
Steven Shultz  
Lynn Kotch