

COMMUNITY AFFAIRS

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

New Jersey Housing and Mortgage Finance Agency Rent Rules

New Jersey Housing and Mortgage Finance Agency Rules

Adopted Amendments: N.J.A.C. 5:80-9.2, 9.7, and 9.14

Adopted New Rule: N.J.A.C. 5:80-9.10

Proposed: September 17, 2018, at 50 N.J.R. 1985(a).

Adopted: January 24, 2019, by the New Jersey Housing and Mortgage Finance Agency, Charles A. Richman, Executive Director.

Filed: February 14, 2019, as R.2019 d.026, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), **and with the proposed repeal of N.J.A.C. 5:80-9.13 not adopted, but still pending.**

Effective Date: March 18, 2019.

Expiration Date: September 14, 2024.

Summary of Public Comments and Agency Responses:

The Agency received comments from the following persons:

1. Tony Tozzi, Ave Maria, FL; and
2. Nicholas J. Kikis, Vice President, Legislative & Regulatory Affairs, New Jersey Apartment Association (NJAA), Monroe Township, NJ.

A summary of comments received and the Agency responses follows (commenters are identified by the numbers before their names above):

COMMENT: The commenter states that “[f]or [him] personally some of the changes are long overdue ... but also positive changes.” (1)

RESPONSE: The Agency thanks the commenter for the expression of support.

COMMENT: The commenter states that the NJAA “strongly supports” new N.J.A.C. 5:80-9.10, which allows sponsors of certain HMFA-financed housing projects to impose rent increases, subject to certain limitations, upon vacated units. The commenter notes that the rule protects existing residents from such increases while, at the same time, benefitting both new and existing residents from increased investment in their communities as a result of increased cash flow to project sponsors and that the rule maintains the supply of housing available to low- and moderate-income individuals because all units will still be required to comply with relevant affordability restrictions and maximum rents. Finally, the commenter observes that the rule will allow project revenue to keep pace with rising maintenance and operational costs. (2)

RESPONSE: The Agency thanks the commenter for the expression of support.

Summary of Agency-Initiated Change:

The Agency is recodifying N.J.A.C. 5:80-9.13 as 9.15 as it has not determined yet whether to adopt the repeal of N.J.A.C. 5:80-9.13, but based on the adoption of proposed new N.J.A.C. 5:80-9.10 and the adoption of the proposed recodifications of N.J.A.C. 5:80-9.11 and 9.12 as 9.12 and 9.13, respectively, N.J.A.C. 5:80-9.13 needs to be recodified.

Federal Standards Statement

The adopted amendments and new rule do not contain any standards or requirements that exceed the standards or requirements imposed by applicable Federal law.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***):

Recodify existing 5:80-9.13 as ***9.15*** (No change in text.)