

CHAPTER 102

AN ACT concerning efficiency and transparency in the distribution of Superstorm Sandy aid money and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:15D-3 Findings, declarations relative to Superstorm Sandy aid money.

1. The Legislature finds and declares that:

In the autumn of 2012, Superstorm Sandy ravaged New Jersey's shoreline, as well as many other communities in the State. The storm destroyed or damaged more than 72,000 of the State's homes and businesses, has driven more than a quarter-million State residents to seek governmental assistance, and has resulted in more than \$36 billion in damage and recovery needs. In addition, due to the time it has taken to distribute recovery aid following Superstorm Sandy, many of those affected by the storm now face the reality of foreclosure on their home mortgages. While New Jersey communities have taken certain important steps toward recovery, the work to rebuild is not yet complete.

Recognizing that there are numerous challenges associated with the efficient and expedient distribution of federal recovery resources following a disaster of the scale of Superstorm Sandy, the processes for individuals and communities to obtain governmental assistance has not been as fast as the Governor and the Legislature would like, and can be improved. Although the reasons for delays in obtaining assistance vary, the State has an obligation to those affected by the storm to make the process of obtaining benefits as user friendly and transparent as possible. For these reasons and others, it is necessary for the Governor and the Legislature to codify and expand upon standards and safeguards for the treatment of individuals and communities seeking financial assistance in recovering from Superstorm Sandy.

C.52:15D-4 Definitions relative to Superstorm Sandy aid money.

2. As used in P.L.2015, c.102 (C.52:15D-3 et seq.):

"Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to section 4 of P.L.1983, c.530 (C.55:14K-4).

"Applicant" means an individual or business that has applied for, is waiting for, or is receiving benefits under a recovery and rebuilding program, and shall include individuals who are awaiting the completion of a construction project using benefits received under a recovery and rebuilding program.

"Commissioner" means the Commissioner of Community Affairs.

"Department" means the Department of Community Affairs.

"FRM" means the Fund for Restoration of Multifamily Housing.

"Qualified contractor pool" means a listing of contractors approved by the Department of Community Affairs participating in the RREM program.

"LMI" means Low-to-Moderate Income and the program for which policies and procedures have been adopted by the Department of Community Affairs.

"Recovery and rebuilding program" means the use of funding provided by the federal government for the RREM and LMI programs, which are intended to help individuals rebuild and recover from Superstorm Sandy, the TBRA program, which is intended to assist renters in returning to and residing in areas impacted by Superstorm Sandy, and the FRM program, which is intended to assist developers in repairing or replacing rental housing units damaged or destroyed by Superstorm Sandy.

"RREM" means Reconstruction, Rehabilitation, Elevation and Mitigation.

"TBRA" means Tenant-Based Rental Assistance.

C.52:15D-5 Responsibilities of the department.

3. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall:

a. Provide each applicant to the RREM and LMI programs with a personal timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through the RREM program and LMI program and a reasonable estimate of when the applicant can expect completion of the project for which they have requested assistance, based upon the department's past experience administering funds through the RREM program and LMI program. The timeline shall track the process of applying for assistance from the RREM and LMI programs from the time an applicant files his or her application with the department through the completion of the project for which the applicant requested assistance, and shall include:

(1) When the applicant should expect to receive 50 percent of the RREM grant money that the department has awarded the applicant; and

(2) When the applicant should expect to receive 100 percent of the RREM and LMI grant money that the department has awarded the applicant.

b. Provide each applicant to the RREM program and LMI program with information about the status of his or her individual application, including:

(1) the date on which the department received the application;

(2) a list of all required documents or other verifications submitted by the applicant related to the application and the date on which the department received each document; and

(3) a list of all documents or other verifications which still need to be submitted by the applicant in order to complete the RREM application and LMI application and the date on which each item must be received.

c. Upon request from an applicant to the RREM program and LMI program appealing a decision to deny the applicant benefits under the program, provide to the applicant information about the status of his or her appeal, including:

(1) the date on which the applicant filed the appeal;

(2) all pending reviews of the appeal and the date of any upcoming hearings related to the appeal;

(3) the department's final determination, if one is made as of the date the request for information is fulfilled, or otherwise the date on which the applicant can expect that the department will make a final determination concerning the appeal; and

(4) a list of all documents related to the appeal and the date on which each document was filed.

d. In the event the department denies an appeal by a RREM or LMI applicant, the department shall refer the applicant to a housing counselor who is certified by the federal Department of Housing and Urban Development or is part of a program established by the department to provide housing counseling to people impacted by Superstorm Sandy.

C.52:15D-6 Targets for distribution of assistance; quarterly goals.

4. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall develop targets for the distribution of assistance to homeowner and renter applicants through recovery and rebuilding programs. The department shall establish quarterly goals detailing the amount of assistance that the department intends to disburse through recovery and rebuilding programs. These goals shall be based upon the department's

past experience administering funds through recovery and rebuilding programs and the experience of other states that have distributed federal funds for disaster recovery.

At a minimum, the targets shall provide for the majority of eligible RREM applicants to receive 50 percent or more of RREM program funding that the department has awarded them by December 31, 2015 and for all eligible RREM applicants to receive 100 percent of RREM program funding by September 30, 2017, provided that all funding distributions comply with applicable State and federal laws and regulations.

C.52:15D-7 Development, maintenance of website relative to recovery, rebuilding programs.

5. a. Within 180 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall develop and maintain an Internet website or webpage providing information concerning recovery and rebuilding programs. At a minimum, the website shall:

(1) Allow an applicant to a recovery and rebuilding program to submit securely through the website a request for specific information on the current status of his or her application for assistance from a recovery and rebuilding program, to which the department shall respond by phone or by email within two business days.

(2) Provide a plain language explanation of every recovery and rebuilding program, all requirements to apply for and receive benefits, how to file appeals, and a description of the process necessary to correct any deficiency with an application.

(3) Provide contact information for each builder in the qualified contractor pool, including each builder's telephone number and Internet website address, and identify any builders that have been removed from the qualified contractor pool.

(4) Provide and update information regarding the expenditure of recovery and rebuilding program funds and related contracts on the Internet website on a monthly basis. A full and current explanation of the criteria and process by which recovery and rebuilding program applications are prioritized shall also appear on the website. Changes to program policy, information on new contractor awards, and the status of work performed pursuant to the contractor awards shall be posted on the Internet website.

(5) Provide information on how all recovery and rebuilding program funding has been and will be allocated on the Internet website, including information about the allocation process for all rounds of funding distribution; and:

(a) the total number of applications submitted for recovery and rebuilding program funding;

(b) the number of applicants that have received 50 percent or more of the recovery and rebuilding program grant money that the department has awarded them;

(c) the number of applicants that have received 100 percent of the recovery and rebuilding program grant money that the department has awarded them;

(d) the number of applicants that have completed recovery and rebuilding program-funded construction or elevation projects in compliance with local, State, and federal building codes and regulations; and

(e) the number of applicants that have received a final certificate of occupancy and grant closeout.

b. The department shall develop and publish on the Internet website a description of how it developed the timelines for the disbursement of recovery and rebuilding program assistance developed pursuant to sections 3, 7, and 8 of P.L.2015, c.102 (C.52:15D-5, C.52:15D-9, and C.52:15D-10). The department shall allow an applicant to request his or her individualized timeline for the disbursement of program funding, developed pursuant to

sections 3, 7, and 8 of P.L.2015, c.102 (C.52:15D-5, C.52:15D-9, and C.52:15D-10), through the website.

c. The department shall publish on the Internet website its quarterly goals for the disbursement of recovery and rebuilding program assistance developed pursuant to section 4 of P.L.2015, c.102 (C.52:15D-6).

d. The department shall publish on the Internet website the commissioner's report on the use of Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes for interim assistance submitted to the Governor and Legislature pursuant to section 6 of P.L.2015, c.102 (C.52:15D-8).

e. In addition to publishing the information as required in subsections a. through d. of this section, the department may distribute the information by any other method it deems appropriate.

C.52:15D-8 Report to Governor, Legislature.

6. a. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the commissioner shall report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), regarding the allocation of Community Development Block Grant Disaster Recovery funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner shall evaluate and determine the extent to which the department may provide unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes to persons, who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, as interim assistance for the applicants' mortgage payments and rent. If the commissioner determines that utilizing unused Community Development Block Grant Disaster Recovery funds, other funds that may be available for similar purposes, or both, for interim assistance is inappropriate, then the commissioner shall issue a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing why the use of these funds for interim assistance is inappropriate. If the commissioner determines that utilizing unused Community Development Block Grant Disaster Recovery funds, other funds that may be available for similar purposes, or both, for interim assistance is appropriate, then the commissioner shall issue a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), establishing a strategy for the rapid disbursement of unused Community Development Block Grant Disaster Recovery funds, other funds that may be available for similar purposes, or both, for interim assistance.

b. The report required by this section shall include:

(1) an estimate of the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department;

(2) the portion of the total need for interim assistance that the department intends to meet through the rapid disbursement of unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes;

(3) the portion of the total need for interim assistance that the department intends not to meet through the rapid disbursement of unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes; and

(4) the means by which the department will decide which applicants will receive interim assistance if the department determines that it cannot satisfy the full need for interim

assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department.

C.52:15D-9 Provision of timeline to TBRA applicant.

7. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall:

a. Provide each applicant to the TBRA program with a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through the TBRA program, based upon the department's past experience administering funds through the TBRA program. The timeline shall track the process of applying for assistance from the TBRA program from the time an applicant files his or her application.

b. Provide each applicant to the TBRA program with information about the status of his or her individual application, including;

(1) the date on which the department received the application;

(2) a list of all required documents or other verifications submitted by the applicant related to the application and the date on which the department received each document; and

(3) a list of all documents or other verifications which still need to be submitted by the applicant in order to complete the TBRA application and the date on which each item must be received.

c. Upon request from an applicant to the TBRA program appealing a decision to deny the applicant benefits under the program, provide to the applicant information about the status of his or her appeal, including:

(1) the date on which the applicant filed the appeal;

(2) all pending reviews of the appeal and the date of any upcoming hearings related to the appeal;

(3) the department's final determination, if one is made as of the date the request for information is fulfilled, or otherwise the date on which the applicant can expect that the department will make a final determination concerning the appeal; and

(4) a list of all documents related to the appeal and the date on which each document was filed.

d. In the event the department denies an appeal by a TBRA applicant, the department shall refer the applicant to a housing counselor who is certified by the federal Department of Housing and Urban Development or is part of a program established by the department to provide housing counseling to people impacted by Superstorm Sandy.

C.52:15D-10 Provision of timeline to FRM applicant.

8. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the agency shall, at the request of the applicant:

a. Provide each applicant to the FRM program with a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through the FRM program, based upon the agency's past experience administering funds through the FRM program. The timeline shall track the process of applying for assistance from the FRM program from the time an applicant files his or her application.

b. Provide each applicant to the FRM program with information about the status of his or her individual application, including;

(1) the date on which the application was received;

(2) a list of all required documents or other verification submitted by the applicant related to the application and the date on which the agency received each document; and

(3) a list of all documents or other verifications which still need to be submitted by the applicant in order to complete the FRM application and the date on which each item must be received.

c. Provide to each applicant to the FRM program appealing a decision to deny the applicant benefits under the program information about the status of his or her appeal, including:

(1) the date on which the applicant filed the appeal;

(2) all pending reviews of the appeal and the date of any upcoming hearings related to the appeal;

(3) the agency's final determination, if one is made as of the date the request for information is fulfilled, or otherwise the date on which the applicant can expect that the agency will make a final determination concerning the appeal; and

(4) a list of all documents related to the appeal and the date on which each document was filed.

d. In the event the agency denies an appeal by a FRM applicant, the agency shall refer the applicant to a housing professional at the State housing recovery center serving the area in which the applicant resides.

C.52:15D-11 Telephone hotline.

9. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall establish a telephone hotline available, at a minimum, weekdays between 9:00 a.m. and 9:00 p.m. through which applicants may request the general or individualized information that the department and agency must provide pursuant to P.L.2015, c.102 (C.52:15D-3 et seq.).

C.52:15D-12 Actions relative to National Flood Insurance claim payments.

10. The department shall not, to the full extent permitted by federal law or regulation, deem any National Flood Insurance Program claim payments to any National Flood Insurance Program policy holder made on or after May 18, 2015 to be a duplication of benefits of any federal grant award, or to require any other reduction of a previously determined grant or benefit to an applicant based on such payments. The department shall take available steps, including the submission of a waiver request to the United States Department of Housing and Urban Development or the Federal Emergency Management Agency, if either agency legally can grant such a waiver, in order to ensure that National Flood Insurance Program claim payments made on or after May 18, 2015 do not operate as a duplication of benefits with any existing federal grant award, or otherwise reduce the amount of an applicant's award.

11. This act shall take effect immediately.

Approved August 10, 2015.