

Former N.J.A.C. 5:13-1.19, Rights to hearing, recodified to 5:13-1.17.

5:13-1.20 Declaratory rulings

(a) Upon request of any interested party the State Administrator may, in his discretion, make a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforced or administered by the State Administrator.

(b) A declaratory ruling shall bind the agency and all parties to the proceedings on the state of facts alleged.

(c) Full opportunity for hearing shall be afforded to all interested parties.

(d) Such ruling shall be deemed a decision or action subject to review before the Office of Administrative Law.

(e) Nothing in this Section shall affect the right or practice of the State Administrator in his sole discretion to render advisory opinions.

As amended, R.1983 d.145, eff. May 16, 1983.

See: 15 N.J.R. 193(a), 15 N.J.R. 803(b).

In (d) charged review before the Appellate Division of the Superior Court to the Office of Administrative Law.

Recodified from 5:13-1.27 by R.1997 d.253, effective June 16, 1997.

See: 29 N.J.R. 965(b), 29 N.J.R. 2653(a).

Former N.J.A.C. 5:13-1.20, Request for a hearing, recodified to 5:13-1.18.

5:13-1.21 Informal disposition

Nothing in this Chapter shall be construed to preclude the State Administrator to dispose of any contested case by stipulation, agreed settlement, or consent order.

Recodified from 5:13-1.28 by R.1997 d.253, effective June 16, 1997.

See: 29 N.J.R. 965(b), 29 N.J.R. 2653(a).

5:13-1.22 (Reserved)

R.1983 d.145, effective May 16, 1983.

See: 15 N.J.R. 193(a), 15 N.J.R. 803(b).

This section formerly contained rules concerning conduct of hearing and evidence.

5:13-1.23 (Reserved)

R.1983 d.145, effective May 16, 1983.

See: 15 N.J.R. 193(a), 15 N.J.R. 803(b).

This section formerly contained rules concerning transcripts.

5:13-1.24 (Reserved)

R.1983 d.145, effective May 16, 1983.

See: 15 N.J.R. 193(a), 15 N.J.R. 803(b).

This section formerly contained rules concerning findings of fact.

5:13-1.25 (Reserved)

Recodified to 5:13-1.19 by R.1997 d.253, effective June 16, 1997.

See: 29 N.J.R. 965(b), 29 N.J.R. 2653(a).

5:13-1.26 (Reserved)

R.1983 d.145, effective May 16, 1983.

See: 15 N.J.R. 193(a), 15 N.J.R. 803(b).

This section formerly contained rules concerning final report and order.

5:13-1.27 (Reserved)

Recodified to 5:13-1.20 by R.1997 d.253, effective June 16, 1997.

See: 29 N.J.R. 965(b), 29 N.J.R. 2653(a).

5:13-1.28 (Reserved)

Recodified to 5:13-1.21 by R.1997 d.253, effective June 16, 1997.

See: 29 N.J.R. 965(b), 29 N.J.R. 2653(a).

SUBCHAPTER 2. LIMITED DIVIDEND HOUSING CORPORATIONS AS COOPERATIVES

5:13-2.1 Scope

The provisions of this subchapter shall apply to Limited Dividend Corporations formed as Cooperatives under the Act and financed under an FHA-insured (Section 213) mortgage and shall supplement the provisions of N.J.A.C. 5:13-1 as they apply to such corporations.

Amended by R.1997 d.253, effective June 16, 1997.

See: 29 N.J.R. 965(b), 29 N.J.R. 2653(a).

Substituted "and shall supplement the provisions of N.J.A.C. 5:13-1 as they apply to such corporations" for "in addition to provisions contained in Sections 1.2 through 1.28 of this Chapter".

5:13-2.2 Management, operation and maintenance of cooperative projects

(a) Dwelling units in any project hereunder shall be restricted for occupancy to families in which the principal wage earner's net annual income at the time of application and for the taxable year preceding the making of such application does not exceed seven times the annual rent (including the estimated value or cost to them of water, heat, electricity, gas or other utilities) of the dwelling units to be occupied by such families. The term "net annual income" as used herein shall mean the annual income of the principal wage earner of the family but shall not include any pension, compensation or disability payment received from the Federal or State government by any veteran, or any widow or orphan of any deceased serviceman or veteran by reason of, or as a result of, active military or naval service.

(b) The corporation is entitled to charge the applicant a fee for its investigation regarding employment and income as required in subsection (a) of this Section. Said fee, however, may not exceed \$5.00.

(c) With the exception of superintendents or janitors of the project, all persons occupying units of the project, including members, officers or agents of the corporation, shall be treated the same and shall be governed by the same principles

in connection with the rent to be charged for the units occupied by them. No officer, employee or agent of the corporation shall receive any special privileges in connection with occupancy of any unit in the project.

5:13-2.3 Stock transfer

(a) Notwithstanding the provisions of any certificates of incorporation or bylaws promulgated thereunder, in order to better effectuate the purpose of providing accommodations for families in need of housing and to perpetuate the nonprofit purpose and intent of cooperative type housing, it shall be mandatory on the corporation to exercise its option to purchase, at par value less any amounts due by the stockholder to the corporation, the shares of stock and occupancy agreement offered by a stockholder desiring to leave the project. The corporation shall then resell the stock at par value plus a reasonable service charge to be approved by the Authority.

(b) Upon written request by the corporation setting forth good and sufficient reasons, the Administrator is authorized to waive in writing to the corporation the provisions of this Section.

APPENDIX

Limited-Dividend Nonprofit Housing Corporations or Associations Law

N.J.S.A. 55:16-1 et seq.

The Limited-Dividend Nonprofit Housing Corporations or Associations Law, P.L. 1949, c. 184 (N.J.S.A. 55:16-1 et seq.), was repealed, effective April 17, 1992, by the Long Term Tax Exemption Law, P.L. 1991, c. 431 (N.J.S.A. 40A:20-1 et seq.). However, as noted in the New Jersey Statutes Annotated in the notes to N.J.S.A. 40A:20-1, section 20, paragraph b. of the Long Term Tax Exemption Law provided that "an urban renewal entity organized and operating under a law repealed by P.L. 1991, c. 431 shall not be affected by that repeal."

Notwithstanding the fact that limited-dividend and nonprofit housing corporations and associations organized under P.L. 1949, c. 184 continue to be subject to that law, the New Jersey Statutes Annotated no longer contains its text. In order to make the text readily accessible to the public, the Department is publishing it as an appendix to this chapter.

55:16-1 Short title

This act may be cited and referred to as the "Limited-Dividend Nonprofit Housing Corporations or Associations Law."

55:16-2 Legislative determination of necessity

It is hereby declared that there is a severe housing shortage in the State; that there are places in many municipalities of the State where dwellings lack proper sanitary facilities and

are in need of major repairs or unfit for residential use; that these conditions are detrimental to the health, safety, morals, welfare and reasonable comfort of the people of the State; that these conditions reduce economic values and impair private investments and public revenues; that the improvement of these conditions requires the production of new dwellings at rents which the families who need housing can afford; that the creation of the agencies, associations and corporations hereinafter described, is necessary and desirable for this purpose; that the provision of housing to make possible and to assist the clearance, planning, development or redevelopment of blighted areas, as proposed in this act, is a public purpose and a public use for which public money may be spent and private property acquired; and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

55:16-3 Definitions

The following terms wherever used or referred to in this act shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) The term "authority" means the public housing and development authority in the Department of Community Affairs.

(2) The term "administrator" means the Commissioner of Community Affairs, who is and shall be the administrator of the public housing and development authority.

(3) The term "council" means the Commissioner of Community Affairs.

(4) The term "municipality" shall mean any city of any class, any town, township, village, borough, or any municipal subdivision of the State.

(5) The term "governing body" shall mean, in the case of a municipality, the common council, or the board of commissioners, or the body managing its affairs.

(6) The term "housing project" or "project" shall mean any work or undertaking to provide decent, safe, and sanitary dwellings for families in need of housing; such undertaking may include any buildings, land (including demolition, clearance or removal of buildings from land), equipment, facilities, or other real or personal properties or interests therein which are necessary, convenient or desirable appurtenances of said undertaking, such as, but not limited to, streets, sewers, water, utilities, parks; site preparations; landscaping, and administrative, community, health, recreational, educational, welfare, commercial, or other facilities, or to provide any part or combination of the foregoing. The term "housing project" or "project" shall be deemed to include veteran housing projects constructed under the authority of an act entitled "An act providing for housing for veterans of World War II and other people of the State and declaring an emergency in respect thereto" (P.L. 1946, c.323).