

“Low Income Housing Tax Credit (LIHTC)” means the credit, established by Section 42 of the Internal Revenue Code of 1986, 26 U.S.C. § 42, that may be applied against the Federal income tax of persons or associations who or which have invested in certain buildings providing housing for families of low-income. As the housing credit agency for the State of New Jersey, the New Jersey Housing and Mortgage Finance Agency (NJHMFA) allocates these credits to qualified taxpayers and thereafter monitors their compliance with Section 42 of the Code. The rules used by NJHMFA to perform its allocation and monitoring responsibilities are set forth in the Qualified Allocation Plan (QAP). Each year, the Qualified Allocation Plan is published at N.J.A.C. 5:80-33. Two types of tax credits are described in the QAP. Credits issued in connection with buildings financed with the proceeds from tax exempt bonds subject to the volume cap restrictions provided in Section 42(h)(4) of the IRS code are not allocated on a competitive basis and are referred to as “volume cap tax credits.” Those credits which are issued in accordance with the State housing credit ceiling, are awarded through competitive cycles described in the QAP, and referred to in the chapter as the “competitive tax credits.”

“Mixed income/use development” means a development which contains both affordable and either market housing units and/or commercial development and, wherein, the permits and approvals for the non-affordable portion of the development are bound by the requirement that the affordable portion also be built.

“Moderate income household” means a household whose gross annual income is equal to more than 50 percent but less than 80 percent of the median gross income established by geographic region and household size using income figures and family size adjustment methodology published periodically in the Federal Register by the U.S. Department of Housing and Urban Development and approved for use by the Council on Affordable Housing.

“Moderate rehabilitation” means the repair, renovation and/or alteration of a unit.

“Neighborhood” means an area which is recognized as a distinct entity by virtue of certain factors, such as: definite boundaries, natural or man-made; history; architecture; facilities which attract people within a certain radius; or a shared sense of identity or social cohesion. This definition is equally applicable to neighborhoods in urban, suburban, and rural communities.

“New unit” means any unit that has been constructed, reconstructed or created through the conversion of a non-residential building within the three years preceding submission of an application, meets all applicable code requirements and has not been occupied since the time of its construction or reconstruction.

“Owner” means the title holder of record as reflected in the most recently dated and recorded deed for the particular affordable housing unit.

“Pilot program” means a trial program of limited duration established by the Commissioner which will further the purpose of the Fair Housing Act and which may require waiver of specific provisions of these rules.

“Price differential” means the total amount of the unrestricted sales price that exceeds the maximum restricted resale price as calculated by the Index. The unrestricted sales price shall be no less than a comparable fair market price as determined by the Division at the time a Notice of Intent to Sell has been received from the owner.

“Primary residence” means the unit wherein a certified household maintains continuing residence for no less than nine months each calendar year.

“Purchaser” means a certified household who has signed an agreement to purchase an affordable housing unit subject to a mortgage commitment and closing.

“Range of affordability” means the household income, expressed as a percentage of the median income, at which a given unit is affordable.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied. Reconstruction may include repair, renovation, alteration or any combination thereof. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure as defined herein and as defined in N.J.A.C. 5:23-6.3.

“Renovation” means the removal and replacement or covering of existing interior or exterior finish, trim, doors, windows or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation shall include the replacement of equipment or fixtures.

“Renter” means a household who has been certified for an affordable housing unit for rent subject to the signing of a lease and the payment of any required security deposit.

“Repair” means the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing.

“Repayment lien” means the second mortgage and note signed by the owner that is given to the Division as security for the payment of 95 percent of the price differential generated by the first non-exempt sale of an affordable housing sales unit at the time of closing and transfer of title of the property after the ending date established in the Affordable Housing Agreement.

“Resale price” means the base price as adjusted by the Index. The resale price may also be adjusted to accommodate an approved home improvement. In the case of central air conditioning installed after the initial sale, the adjustment shall be the cost of the unit installed minus  $\frac{1}{20}$  of that cost for each month of use up to the end of the tenth year.

“Revenue” means the sum of all cash received from project operations, including, but not limited to:

1. Tenant paid rents;
2. Commercial income and/or lease payments;
3. The net proceeds of any insurance payments which are not reinvested in the property; and
4. Any other funds, including reserve accounts which are deemed available for distribution by the owner.

“Senior citizen” means any person age 62 years or older.

“Single room occupancy unit (SRO)” means a unit within a structure in which households maintain private rooms yet share kitchen and plumbing facilities, central heat and common areas.

“Standard” means a building which has been repaired in whole or in part with Balanced Housing funds and certified by the local construction official or other public official having jurisdiction to be free of code violation in accordance with the standards adopted under the Uniform Construction Code, N.J.A.C. 5:23, and the Section 8 Existing Housing Quality Standards.

“Substandard” means a building which has been certified as substandard by a municipality. The certification must state that health and safety code violations exist and that, in order to abate those code violations, one or more of the following major systems must be replaced or extensively repaired: roof, electrical, plumbing, sanitary plumbing, heating or load bearing structural systems.

“Sustainable development strategies” means those strategies which minimize the impact of housing developments on the environment, provide building designs which enhance the health, safety and well-being of the residents, providing durable, low-maintenance housing and make optimum use of exiting infrastructure. (See chapter Appendix H, incorporated herein by reference, for further details.)

“System” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building including any equipment, fixtures, connections, conduits, wires, pipes, ducts, as well as any associated sensors, controls, distribution or safety elements.

“Target areas” means those geographic areas or neighborhoods that have been designated by the Governor, Commissioner and/or the State Planning Commission as locations appropriate for intensive redevelopment. For example, designated Empowerment Zones and Enterprise Communities; areas formally designated by the State Planning Commission as State Plan centers and those communities that have an endorsed Strategic Revitalization Plan; designated neighborhoods within municipalities participating in the Department’s Strategic Neighborhood Assistance Programs; designated areas within municipalities selected by the Governor’s Urban Coordinating Council to enter into a partnership with the State to organize and implement strategic revitalization plans; and municipalities that have adopted a neighborhood-based strategic community revitalization plan that addresses the specific needs of a neighborhood.

“Urban Aid Municipality” means any municipality eligible for Balanced Housing funding in accordance with N.J.A.C. 5:43-1.2(b)6.

Amended by R.1992 d.144, effective April 6, 1992.  
See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

Definitions for affordable, balanced housing units, Division, eligible household, eligible neighborhood, equity, moderate rehabilitation, neighborhood, new unit, physical value, range of affordability, senior citizen, single room occupancy (SRO), substandard, and substantial rehabilitation added; housing region deleted; low and moderate income households amended.

Amended by R.1995 d.339, effective June 19, 1995.  
See: 27 N.J.R. 1508(a), 27 N.J.R. 2385(a).

Added the definition of “Urban Aid Municipality”.  
Amended by R.1995 d.594, effective November 20, 1995.  
See: 27 N.J.R. 3256(a), 27 N.J.R. 4698(a).

Recodified from 5:14-1.4 and amended by R.1996 d.226, effective May 20, 1996.

See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Former section, “Waiver”, recodified to 5:14-1.6.  
Amended by R.1998 d.438, effective September 8, 1998.  
See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).

Inserted “Alteration”, “Reconstruction”, “Rehabilitation”, “Renovation”, “Repair” and “System”; rewrote “Eligible neighborhood” and “Moderate rehabilitation”; in “New unit”, substituted references to reconstruction for references to substantial rehabilitation; and deleted “Physical value” and “Substantial rehabilitation”.

Amended by R.2002 d.325, effective October 7, 2002.  
See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

In “Affordable”, inserted “and a market rate of interest” following “purchase price” and amended the N.J.A.C. reference; added “Cash flow”, “Design considerations”, “Distressed urban municipality”, “Energy efficient housing unit”, “Expenses”, “Low Income Housing Tax Credit (LIHTC)”, “Mixed income/use development”, “Revenue”, “Standard” and “Sustainable development strategies”; rewrote “Substandard”.

### 5:43-1.6 Waiver

Any applicant desiring a waiver or release from the express requirements of any provision of this chapter may make such request, in writing, to the Division. A waiver shall be granted only by the Division Director in writing and then only when such waiver does not contravene the provisions of the Fair Housing Act. The decision of the Division Director shall be final.

New Rule R.1992 d.144, effective April 6, 1992.  
 See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).  
 Recodified from 5:14-1.5 and amended by R.1996 d.226, effective May 20, 1996.  
 See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).  
 Rewrote section.

Amended by R.1992 d.144, effective April 6, 1992.  
 See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).  
 Original text deleted; new text added, establishing competitive cycle for Neighborhood Rehab only.  
 Amended by R.1996 d.226, effective May 20, 1996.  
 See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).  
 Rewrote section.

**5:43-1.7 Maximum allowable project fees**

(a) The maximum contractor fee shall be determined in accordance with Appendix F, incorporated herein by reference.

(b) The maximum per unit amount which may be taken out of the project as developer fee shall be calculated as follows:

Maximum Per Unit Developer Fee  
 (in thousands of dollars)

| Unit Size          | A | B  | C  | D  |
|--------------------|---|----|----|----|
| Studio             |   | 5  | 7  |    |
| One bedroom        | 5 | 7  | 9  | 10 |
| 2 bedroom          | 6 | 8  | 10 | 11 |
| 3 bedroom          | 7 | 9  | 11 | 12 |
| 4 or more bedrooms | 8 | 10 | 12 | 13 |

1. Column A shall apply to new homeownership units which are not located in distressed urban municipalities.
2. Column B shall apply to new rental units which are not located in distressed urban municipalities.
3. Column C shall apply to new rental units located in distressed urban municipalities.
4. Column D shall apply to new homeownership units located in distressed urban municipalities.

(c) The Department shall waive these limits in cases where an applicant can demonstrate that a higher fee is needed in order to achieve project feasibility. If all or a portion of the developer fee is deferred until more than one year after project completion, the Commissioner may allow a higher fee than calculated in subsection (b) above as long as the discounted value of the deferred fee does not exceed that which otherwise would have been allowed.

(d) No developer fee, regardless of the source of that fee, shall be allowed for moderate rehabilitation units.

New Rule, R.1996 d.226, effective May 20, 1996.  
 See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).  
 Amended by R.2002 d.325, effective October 7, 2002.  
 See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

In (b), substituted references to distressed urban municipalities for references to urban aid municipalities or target areas throughout; added (d).

**5:43-2.2 Allocation of funds**

(a) In each fiscal year, the Commissioner may set aside all or a portion of the fund for any given time period for specific activities including, but not limited to, pilot programs, projects in specific target areas or specific project types or directed to specific target populations.

(b) For funds which are not set aside by the Commissioner, the Department shall conduct four competitive funding cycles as follows:

1. Tax credit cycle. Only projects which are also applying for Low Income Housing Tax Credits in the spring allocation cycle shall be considered during this round. The application deadline and funding announcement dates shall coincide with the tax credit allocation dates. If there is an additional application cycle for Low Income Housing Tax Credits, the same timing shall apply.
2. Summer cycle. Applications received by August 15 shall be considered for funding on or about October 31.
3. Fall cycle. Applications received by November 15 shall be considered for funding on or about January 31.
4. Final cycle. Applications received by March 15 shall be considered for funding on or about May 31.
5. In cases where delaying funding until the next cycle would prevent the project from going forward, the Commissioner shall have the discretion to fund projects at any time.
6. During each funding cycle, applications which are not funded shall be carried forward if they meet the criteria necessary to be funded or rejected if they do not. If carried forward, applicants shall be notified that their application shall be considered during the next funding cycle.

(c) The distribution of funds to each cycle shall be at the discretion of the Commissioner.

(d) All Balanced Housing funds shall be allocated to municipalities on behalf of specific projects. In the event that the project does not proceed within the time specified in the Grant Agreement, the funds shall be reallocated by the Department. The prior allocation shall have no effect on the reallocation of captured funds.

(e) In order to promote an equitable Statewide distribution of funds, the Commissioner may limit the funding amount to any one municipality in a given fiscal year.

**SUBCHAPTER 2. FUNDING**

**5:43-2.1 Funding cycles and application procedures**

With the exception of applications for Neighborhood Rehabilitation projects (see N.J.A.C. 5:43-3.9), the Department shall accept applications on a continuous basis.

(f) Neighborhood rehabilitation projects shall be funded only within designated neighborhoods specified in this section or in municipalities in which Balanced Housing funds would be used to support activities funded by other Division programs.

(g) Any Balanced Housing application for a project which is being submitted concurrently to the New Jersey Housing and Mortgage Finance Agency (NJHMFA) for low income housing tax credits must contain project information which is consistent with the application which is being submitted to NJHMFA for the tax credits. Any material difference between the applications shall result in the Balanced Housing application being denied.

New Rule R.1992 d.144, effective April 6, 1992.  
 See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).  
 Repeal and New Rule, R.1996 d.226, effective May 20, 1996.  
 See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Section was "Priorities".  
 Amended by R.1998 d.438, effective September 8, 1998.  
 See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).  
 Inserted new (b) through (e); and recodified former (b) as (f).  
 Amended by R.2002 d.325, effective October 7, 2002.  
 See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).  
 Added (g).

**5:43-2.3 Cost criteria**

(a) Except as noted in (g) below, the Department sets the following as the maximum acceptable per-unit costs for projects to be funded:

| <u>S.R.O./Studio</u> | <u>1 BR</u> | <u>2 BR</u> | <u>3 BR</u> | <u>4 BR</u> |
|----------------------|-------------|-------------|-------------|-------------|
| \$105,000            | \$125,000   | \$135,000   | \$150,000   | \$160,000   |

(b) For projects required to provide a parking garage, the acceptable cost may be increased by \$10,000 for each parking space, not to exceed one space per unit, provided exclusively for, and without charge to, the low and moderate income tenants.

(c) The costs listed in (a) and (b) above shall be adjusted annually by the percentage approved by COAH in accordance with N.J.A.C. 5:93-9.15(b). The Department will publish a notice of the adjusted costs in the New Jersey Register.

(d) The following costs may be deducted from the total cost calculation:

1. Upon verification and approval by the Division, the marginal costs attendant to the use of sustainable development strategies;
2. Housing Affordability Service (HAS) fees;
3. Low Income Housing Tax Credit (LIHTC) allocation fees;
4. The cost attendant to fire suppressions systems per N.J.A.C. 5:43-3.1(t); and

5. The cost attendant to construction supervision per N.J.A.C. 5:43-3.1(u).

(e) Although the Department may consider applications for projects which exceed the maximum acceptable costs, the maximum subsidy for such projects shall be reduced on a dollar for dollar basis by the amount the acceptable cost is exceeded.

(f) Each applicant shall be required to explain and justify costs.

(g) The following shall be exempt from (a) and (e) above:

1. Projects located in neighborhoods designated by the Governor's Urban Coordinating Council provided that the redevelopment of the subject property as affordable housing is logical and consistent with the Urban Coordinating Council plan and is vital to the redevelopment of the neighborhood and provided that the excess costs are inextricably linked to redevelopment of the particular site;
2. Projects providing permanent housing for persons with handicaps, applying in accordance with N.J.A.C. 5:43-3.3; and
3. Hope VI projects applying in accordance with N.J.A.C. 5:43-3.12.

New Rule R.1992 d.144, effective April 6, 1992.  
 See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).  
 Amended by R.1996 d.226, effective May 20, 1996.  
 See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Rewrote section.  
 Repeal and New Rule, R.1998 d.438, effective September 8, 1998.  
 See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).  
 Section was "Distribution of funds".  
 Amended by R.2002 d.325, effective October 7, 2002.  
 See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).  
 Rewrote the section.

**5:43-2.4 Review criteria**

(a) During each funding cycle, the Department shall evaluate eligible projects based on the criteria listed below. The Department shall favor the following:

1. Projects that are located in a target area.
2. In urban aid municipalities, projects that provide mixed income housing opportunities including low, moderate and market units;
3. Projects that seek to encourage minorities and neighborhood residents that are employed by the sponsor/developer to undertake construction, rehabilitation or other related development activities for a specific purpose;
4. Projects that have committed funds for the provision of support services and programs that are appropriate for and accessible to residents.
5. Projects in which the affordability controls shall be in place for a longer period than required in accordance with N.J.A.C. 5:43-3.1(f);

(m) Balanced Housing funds may be provided to a project during the development phase as a construction loan where project feasibility requires supplementing private sources of construction financing. The terms and conditions of the construction loan provided by the Balanced Housing Program shall be at the discretion of the Department. The Department shall subordinate its construction loan to the lien of another construction lender provided that the sponsor/developer provides evidence that the subordination is necessary to achieve project feasibility.

(n) In cases where Balanced Housing funds are made available during construction, the Department shall subordinate the Balanced Housing construction loan to the lien of a permanent lender(s) upon completion of the construction of the project and on terms and conditions determined at the discretion of the Department. After a project's permanent financing is in place and after the project has been placed in service, the Department shall consider honoring a request to subordinate its mortgage to the lien of another lender, provided that the sponsor/developer provides evidence to the satisfaction of the Department that the project income can service an increased level of private debt and that some public benefit will result from honoring the request to subordinate the Department's mortgage. An initial funding commitment to the project by the Department shall not constitute a commitment to subordinate the Balanced Housing loan after the initial permanent financing has been accomplished and after the project has been placed in service.

1. The sponsor/developer shall submit a request for subordination to the Division Director. The decision of the Division Director shall be presented in writing and shall be final. The request for subordination shall include:

- i. An up-to-date income and expense statement;
- ii. A mortgage commitment regarding the proposed refinancing;
- iii. Verification that reserves are at required levels;
- iv. A statement regarding project vacancies, turnover and anticipated major expenditures;
- v. An explanation of the public benefit that will occur. It shall be considered to be of public benefit if refinancing the project results in cash that will be utilized to:

(1) Perform necessary repairs in the project that cannot be funded by the accumulated reserves;

(2) Provide a source of development funding to create additional units that will be affordable to low and moderate income occupants; or

(3) Allow the sponsor/developer to increase the time period during which units will be affordable to low and moderate income households; and

vi. Any additional information that the Department may deem necessary in order to make a determination.

(o) A household receiving assistance under Section 8 of the Federal Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, shall be eligible for housing under the Balanced Housing Program, provided, however:

1. The household meets all requirements for the Balanced Housing Program; and
2. The combined household rental payment and housing assistance payment shall not exceed that provided for in the Balanced Housing grant agreement.

(p) The average range of affordability for units funded shall not exceed 57.5 percent for any project located in a distressed urban municipality, 55 percent for all other homeownership projects, or 52 percent for all other rental projects.

(q) With the exception of neighborhood rehabilitation projects, neighborhood stabilization/revitalization projects and acquisition/ rehabilitation projects, all applicants shall demonstrate control of the project site by holding title, by a sales contract, by an option to purchase, by designation from the municipality as designated developer or by any other means which the Division Director may approve.

(r) For all purposes related to funding and occupancy of units, with the exception of SRO units, each unit funded shall contain at least one bedroom with no less than 150 square feet.

1. Each additional bedroom shall be no less than 100 square feet.
2. Each SRO unit shall be no less than 100 square feet.

(s) Every new unit that receives Balanced Housing subsidy shall qualify as an Energy Efficient Housing Unit.

(t) Every building containing new Balanced Housing units shall be provided with an automatic fire suppression system. Such systems shall include the entire building and shall be installed in accordance with the Uniform Construction Code.

(u) The Department reserves the right, at its sole discretion, to require on site construction supervision.

(v) The Department reserves the right, at its sole discretion, to reject any project the design for which it deems inappropriate to the site or the immediate neighborhood within which it is to be built or rehabilitated.

Amended by R.1992 d.144, effective April 6, 1992.  
See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

Text on threshold criteria deleted; text on general provisions added.  
Amended by R.1996 d.226, effective May 20, 1996.  
See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Rewrote section.

Amended by R.1998 d.438, effective September 8, 1998.  
See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).

In (b), added a second sentence; in (g), substituted a reference to reconstruction for a reference to substantial rehabilitation in the first sentence; in (i)1, substituted "can" for "shall" and "subsidy" for "funds" in ii and added iii; and rewrote (p).

Amended by R.2002 d.325, effective October 7, 2002.  
See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

Rewrote the section.

### 5:43-3.2 Types of projects

(a) The Department shall only fund projects falling into at least one of the following categories:

1. Permanent housing for persons with handicaps projects, described in N.J.A.C. 5:43-3.3;
2. Rental projects, described in N.J.A.C. 5:43-3.4;
3. Two-family projects, described in N.J.A.C. 5:43-3.5;
4. Homeownership projects, described in N.J.A.C. 5:43-3.6;
5. Acquisition/rehabilitation projects, described in N.J.A.C. 5:43-3.7;
6. Section 202, Section 811 and non-HOPE VI public housing new construction projects, described in N.J.A.C. 5:43-3.8;
7. Neighborhood rehabilitation projects, described in N.J.A.C. 5:43-3.9;
8. Rental rehabilitation projects, described in N.J.A.C. 5:43-3.10;
9. Matching funds projects, described in N.J.A.C. 5:43-3.11;
10. HOPE VI projects, described in N.J.A.C. 5:43-3.12;
11. Neighborhood stabilization/revitalization projects, described in N.J.A.C. 5:43-3.13; and
12. Other projects, described in N.J.A.C. 5:43-3.14.

Amended by R.1992 d.144, effective April 6, 1992.  
See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

Text on competitive criteria deleted; text on types of projects added.  
Amended by R.1996 d.226, effective May 20, 1996.  
See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Rewrote section.

Amended by R.2002 d.325, effective October 7, 2002.  
See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

Rewrote the section.

### 5:43-3.3 Permanent housing for persons with handicaps projects

(a) The Balanced Housing Program may provide funding for the construction, reconstruction, or conversion of units that will provide permanent housing for income eligible households which contain one or more persons with a handicap.

1. Eligible projects may include, but are not limited to, residential health care facilities as regulated by the New Jersey Department of Health; group homes for the physically and/or developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

(b) In such projects, the form and amount of Balanced Housing assistance shall be at the discretion of the Department, but shall not exceed the lesser of \$50,000 per bedroom or 50 percent of total project cost.

New Rule R.1992 d.144, effective April 6, 1992.

See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

Amended by R.1996 d.226, effective May 20, 1996.

See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

In (a) deleted qualifying requirement and added homes for physically disabled.

Amended by R.1998 d.438, effective September 8, 1998.

See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).

In (a), substituted a reference to reconstruction for a reference to substantial rehabilitation in the introductory paragraph.

Amended by R.2002 d.325, effective October 7, 2002.

See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

In (b), substituted "the lesser of \$50,000 per bedroom or" for "that amount which is provided by other public and private funding sources (that is)."

### 5:43-3.4 Rental projects

(a) The Balanced Housing Program may provide assistance to eligible applicants for use by for-profit or not-for-profit housing sponsors who provide new rental housing units for occupancy by low and moderate income households. Eligible activities shall include new construction, reconstruction, and the conversion of non-residential structures.

1. The buy-down of new units which are not deed restricted in order to make them affordable is also eligible.

(b) The maximum allowable subsidy for a rental unit shall be determined in accordance with Appendix B to this chapter if the project is located in a distressed urban municipality or in accordance with Appendix C of this chapter for all other projects.

(c) Applicants may combine a rental project with a homeownership project.

New Rule R.1992 d.144, effective April 6, 1992.

See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

Amended by R.1995 d.339, effective June 19, 1995.

See: 27 N.J.R. 1508(a), 27 N.J.R. 2385(a).

Rewrote (c), which previously had limited the maximum allowable subsidy to that determined in Appendix C.

Amended by R.1996 d.226, effective May 20, 1996.

See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Rewrote section.

Amended by R.1998 d.438, effective September 8, 1998.

See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).

In (a), substituted a reference to reconstruction for a reference to substantial rehabilitation in the last sentence.

Amended by R.2002 d.325, effective October 7, 2002.