

CHAPTER 44A
LOCAL HOUSING AUTHORITY CRIME REPORTS

Authority

N.J.S.A. 40A:12A-45 and 49.

Source and Effective Date

R.2004 d.429, effective November 15, 2004.
See: 36 N.J.R. 3006(a), 36 N.J.R. 5092(a).

Chapter Expiration Date

Chapter 44A, Local Housing Authority Crime Reports, expires on November 15, 2009.

Chapter Historical Note

Chapter 44A, Local Housing Authority Crime Reports, was adopted as R.2004 d. 429, effective November 15, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:44A-1.1 Title

The rules in this chapter shall be known as the "Rules for Housing Authority Crime Reports."

5:44A-1.2 Purpose

The purpose of the rules is to provide for the annual reporting to the Department of Community Affairs and to the Legislature information on violent crimes and drug offenses occurring on covered property.

5:44A-1.3 Applicability

These rules shall apply to any local housing authority created or continued pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., that owns

and manages low-income units and to owners of property of 10 or more rental units receiving project-based Federal rental assistance, hereinafter "project-based housing."

5:44A-1.4 Definitions

All the definitions in the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and in N.J.A.C. 5:44 are incorporated in this section by reference. In addition, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Controlled dangerous substance" means a drug, substance, or immediate precursor and shall include controlled substance analogs. The term shall not include distilled spirits, wine, malt beverages, or tobacco and tobacco products.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and is specifically designed to produce an effect substantially similar to that of a controlled dangerous substance.

"Covered properties" means public housing authority property and project-based housing of 10 or more rental units.

"Drug offenses" means those offenses enumerated in the Comprehensive Drug Reform Act of 1987, N.J.S.A. 2C:35-36.1 et al., and involving the unlawful use, possession, manufacture, dispensing or distribution of a controlled dangerous substance or analog or drug paraphernalia.

"Project-based housing" means multi-family property of 10 or more units receiving project-based Federal section 8 rental assistance.

"Reportable crimes" means those violent crimes and drug offenses defined in this section that shall be included in the "Public Housing Crime Report" to the Department (see chapter Appendix).

"Violent crimes" means those crimes delineated in the most recently issued Uniform Crime Report, published by the Department of Law and Public Safety, according to the following categories: Homicide, Rape, Robbery and Aggravated Assault. The Report can be obtained electronically on the web from the Office of the Attorney General at www.state.nj.us/lps/publications.htm.

5:44A-1.5 Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the rules, and the rules shall remain in effect in all valid provisions that are severable, and to this end, the provisions of the rules are severable.

SUBCHAPTER 2. REPORTING REQUIREMENTS AND ADMINISTRATION

5:44A-2.1 Reporting requirements

(a) No later than September 1 of each year, executive directors and owners of covered property shall prepare and submit to the Department a report on the violent crimes and drug offenses committed on their property. The reporting period shall cover the 12 months from July 1 to June 30 immediately preceding the report. The report shall be prepared by completing the "Public Housing Crime Report" form provided by the Department and set forth herein as the chapter Appendix, incorporated herein by reference.

(b) By January 1 of each year, the Commissioner of Community Affairs shall prepare and distribute to each member of the Legislature a report that compiles and analyzes the information submitted.

(c) Owners of project-based housing properties located in different municipalities shall complete a separate report for properties in each municipality. Covered properties in each municipality may be aggregated for reporting purposes.

5:44A-2.2 Procedures

(a) Housing authorities and project-based housing entities shall cooperate with local law enforcement agencies to obtain information on violent crimes and drug offenses consistent with New Jersey's Uniform Crime Reporting Program. Law enforcement agencies shall be provided the addresses of covered properties owned at any time during the preceding 12-month reporting period with a request to provide the number and type of violent crimes and drug offenses committed on each of these properties.

(b) Information from law enforcement agencies shall be used to complete the "Public Housing Crime Report." The completed report shall be signed by the executive director and chairman of the housing authority or by the owner or manager of project-based housing and submitted no later than September 1st to the Department of Community Affairs, Division of Housing and Community Resources, 101 S. Broad St., PO Box 051, Trenton, NJ 08625, Attn. PHA Program Manager.

5:44A-2.3 Compliance

(a) Each housing authority and project-based housing entity is required to make a reasonable effort to obtain and accurately report the information requested. An authority or entity is deemed to have met its obligation in accordance with N.J.S.A. 52:27D-3.4 if it secures violent crime and drug offense information from the local law enforcement agency on the properties it owns.

(b) A housing authority or project-based housing entity unable to provide the requested information shall submit a certification signed by the law enforcement agency official responsible for maintaining crime records stating that the information requested is unavailable.

5:44A-2.4 Enforcement

(a) The Department shall take appropriate action to gain compliance with this chapter. This appropriate action shall include, but is not limited to, issuing administrative orders or notices or instituting or causing to be instituted any necessary legal proceedings. The Department shall take such action if it determines that an executive director or owner of covered property:

1. Has fraudulently or deceitfully reported false information in violation of the statute and this chapter; or
2. Has failed to comply with any order issued by the Department.

(b) The Department, in addition or as an alternative to the actions listed in (a) above, may issue a letter of warning, reprimand, or censure with regard to any conduct that, in the judgment of the Department, so warrants.

5:44A-2.5 Right of appeal

(a) Any housing authority or person aggrieved by any notice, action or order under this chapter concerning reporting requirements may appeal by submitting a written hearing request to the Hearing Coordinator, DCA, PO Box 802, Trenton, NJ 08625. The hearing shall be conducted by the Office of Administrative Law pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the final decision shall be issued by the Commissioner.

(b) All hearing requests shall be signed by the aggrieved party and shall include:

1. The date of the action that is the subject of the appeal;
2. The name, title and status of the person submitting the appeal;
3. The action claimed to be in error; and
4. A concise statement of the basis for the appeal.

(c) Hearing requests shall be denied unless submitted within 15 days after receipt of the ruling, notice or other similar document upon which the appeal is based.

APPENDIX

July 1, 200 to June 30, 200