

CHAPTER 41

HOMELESSNESS PREVENTION PROGRAM

Authority

N.J.S.A. 52:27C-24 and 52:27D-280.

Source and Effective Date

R.2005 d.246, effective June 28, 2005.
See: 36 N.J.R. 3334(a), 37 N.J.R. 2859(d).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 41, Homelessness Prevention Program, expires on December 25, 2010. See: 41 N.J.R. 4352(a).

Chapter Historical Note

Chapter 41, Homelessness Prevention Program, was originally codified in Title 5 as Chapter 12, Homelessness Prevention Program. Chapter 12 was adopted as Emergency New Rules by R.1984 d.570, effective November 29, 1984, to expire January 28, 1985. See: 16 N.J.R. 3497(a). The provisions of R.1984 d.570 were readopted as R.1985 d.74, effective January 29, 1985. See: 16 N.J.R. 3497(a), 17 N.J.R. 577(b).

Pursuant to Executive Order No. 66(1978), Chapter 12, Homelessness Prevention Program, was readopted as R.1990 d.62, effective December 27, 1989. See: 21 N.J.R. 2845(a), 22 N.J.R. 336(b). Pursuant to Executive Order No. 66(1978), Chapter 12 expired on December 27, 1994.

Chapter 12, Homelessness Prevention Program, was adopted as new rules by R.1995 d.56, effective February 6, 1995. See: 26 N.J.R. 4248(a), 27 N.J.R. 483(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 12, Homelessness Prevention Program, was recodified as N.J.A.C. 5:41, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Homelessness Prevention Program, was readopted as R.2000 d.60, effective January 19, 2000. See: 31 N.J.R. 3943(a), 32 N.J.R. 689(a).

Chapter 41, Homelessness Prevention Program, was readopted as R.2005 d.246, effective June 28, 2005. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 5:41-1.1 Title; purpose
- 5:41-1.2 Administration
- 5:41-1.3 Waiver

SUBCHAPTER 2. PROGRAM ELIGIBILITY

- 5:41-2.1 Eligibility
- 5:41-2.2 Distribution of funding
- 5:41-2.3 Levels of assistance
- 5:41-2.4 Period of assistance
- 5:41-2.5 Priorities
- 5:41-2.6 Administrative hearings

SUBCHAPTER 3. HABITABILITY STANDARDS

- 5:41-3.1 Compliance with H.U.D. Housing Quality Standards

SUBCHAPTER 1. GENERAL PROVISIONS

5:41-1.1 Title; purpose

(a) The regulations in this chapter shall be known and may be cited as the "Homeless Prevention Program Regulations".

(b) The purpose of these regulations is to implement the "Prevention of Homelessness Act (1984)" and, in so doing, to provide temporary assistance to persons who are homeless, or face imminent loss of their homes by eviction or foreclosure, because they are without adequate funds for reasons beyond their control.

Amended by R.1988 d.521, effective November 7, 1988.

See: 19 N.J.R. 1777(a), 20 N.J.R. 2752(a).

Added "temporary" to "assistance" in (b).

5:41-1.2 Administration

(a) The Homelessness Prevention Program shall be administered by the Department of Community Affairs.

(b) Funds awarded under the Homelessness Prevention Program may be jointly administered by the Department of Community Affairs with other departments and agencies of the State, or non-profit organizations.

(c) In addition to the types of assistance provide herein, assistance may be provided to households via pilot programs administered in accordance with the Act, including, but not limited to, innovative projects or programs, and those that serve a unique population for limited period of time.

Amended by R.2008 d.66, effective April 7, 2008.

See: 39 N.J.R. 4986(a), 40 N.J.R. 1827(b).

Inserted designation (a); in (a), substituted "Department of Community Affairs" for "Bureau of Housing Services of the Division of Housing and Development"; and added (b) and (c).

5:41-1.3 Waiver

Any party desiring a waiver or release from the express provisions of any of the rules in this chapter may submit a written request to the Homelessness Prevention Program. Waivers may be granted only by the Commissioner of the Department of Community Affairs under extraordinary circumstances, as long as such waiver would not contravene the provisions of the Act, and upon a finding that, in granting the waiver, the Commissioner will be promoting the statutory purposes of the Act.

New Rule, R.2008 d.66, effective April 7, 2008.

See: 39 N.J.R. 4986(a), 40 N.J.R. 1827(b).

SUBCHAPTER 2. PROGRAM ELIGIBILITY

5:41-2.1 Eligibility

(a) To be eligible for assistance under the Homelessness Prevention Program, a person or household must be either homeless or in imminent danger of losing their home as a result of eviction for non-payment of rent, or mortgage foreclosure, or some other cause which the Department of Community Affairs determines to be comparable.

1. A household shall be deemed homeless if the household involuntarily is without a place of residence for reasons beyond the household's control.

2. A household shall be deemed to be in imminent danger of homelessness if the household is unable to make rental or mortgage payments for reasons beyond the household's control and the household has been served with a summons and complaint for eviction or a notice of mortgage foreclosure, as the case may be.

3. "Mortgage foreclosure" shall include, without limitation, foreclosure for taxes or other municipal liens. In the case of a tax or other municipal lien foreclosure, a person shall be deemed to be in imminent danger of losing his home if he has been served in any legal manner with notice of foreclosure, including a notice of intent to foreclose in accordance with the Fair Foreclosure Act (N.J.S.A. 2A:50-53), the Tax Sale Law (N.J.S.A. 54:5-97.1), or any other notice that the Department determines to be comparable.

(b) No person or household shall be eligible for assistance if their annualized current income (that is, 52 times current weekly income) exceeds the upper limit of "moderate income" as defined in guidelines published annually by the United States Department of Housing and Urban Development.

(c) No person or household shall be eligible for assistance unless all other available financial resources have first been exhausted. Concealment or transfer of assets to become eligible for assistance shall result in immediate and permanent disqualification.

(d) No person or household having a delinquent loan with the Program or which has caused the Program to forfeit a security deposit shall be eligible for additional assistance unless the Department of Community Affairs finds that the delinquency or forfeiture was due to a cause that was either beyond the control of the person or household receiving assistance, or constituted a violation of the rights of that person or household by another person, and that the cause of the delinquency or forfeiture is not likely to recur.

(e) No person or household found in any administrative or legal proceeding, in which notice and an opportunity to be heard have been given, to have committed fraud or abuse in another governmental assistance program, including, without limitation, other programs providing rental subsidies, or to

have made a false or misleading statement or a material omission in any submission to the Program, shall be eligible for assistance.

(f) No person or household already receiving an equivalent housing subsidy under any other program shall be eligible for assistance.

1. A housing subsidy shall be deemed to be "equivalent" for purposes of this subsection if it provides a level of compensation sufficient to ensure that the recipient is required to spend no more than 30 percent of gross household income on shelter costs.

(g) No person or household determined by the Program to be unlikely to pay shelter costs after the period of assistance has ended shall be eligible for assistance.

1. Program staff will work with each applicant in the preparation of a budget that will be of use in determining the applicant's ability to carry shelter costs.

2. No person or household shall be eligible for assistance with back rent unless they have resided in the housing unit for at least three months prior to falling into arrears.

(h) To be eligible for assistance, a person or household must have experienced an uncompensated loss of income or increase in expenses, for a limited period of time, that are necessarily incurred for the preservation of human life. Applicants must submit documentation verifying that one or more of the following caused the inability to pay housing costs:

1. Loss of employment;
2. Medical disability or emergency;
3. Loss or delay in receipt of other benefits;
4. Natural or man-made disaster;
5. Substantial and permanent change in household composition; or
6. Any other condition which, in the judgment of the Department of Community Affairs, constitutes a severe hardship comparable in its effect to the causes listed in (h)1 through (h)5 above.

(i) Assistance to any person or household facing foreclosure as a result of mortgage or property tax arrearages shall be in the form of a loan, which shall be secured by a recorded mortgage.

1. No person or household shall be eligible for a mortgage loan unless the home is an owner-occupied single family dwelling (which may be an attached or detached house or a condominium unit) that shall have been owned and occupied by the applicant for at least one year prior to falling into arrears on the mortgage loan or property taxes.