

CHAPTER 17**RESIDENTIAL HOUSING MANAGEMENT BOARD****Authority**

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Chapter Historical Note

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**SUBCHAPTER 1. PROCEDURAL GUIDE FOR
OCCUPYING AND VACATING EMPLOYEE
HOUSING UNITS****17:17-1.1 Background and purpose**

(a) Housing units are provided to employees primarily for the benefit of the State. This benefit is either to provide security or other in-kind service associated for the benefit of the respective department/agency.

(b) P.L. 1983, c.468, established within the Department of Treasury the Residential Housing Management Board (Board, which is responsible for the management of all State owned residential housing, with certain exceptions).

(c) It is the purpose of these rules to assure that State employees are treated fairly and uniformly with recognition that differences in their responsibilities, the nature of their

work and the type of housing may on occasion generate rules and procedures unique to those situations.

17:17-1.2 Occupying units

No residential housing units are to be occupied without first being inspected by the Employee Housing Unit of the Department of Treasury, Division of Property Management and Construction, Office of Real Property Management.

17:17-1.3 Vacating units

(a) All residential housing units shall be inspected immediately by the Employee Housing Unit of the Office of Real Property Management after departure of the employee. The department/agency employing the tenant shall serve two weeks advance notice to the Employee Housing Unit of the Office of Real Property Management to provide sufficient time for scheduling the inspection.

(b) At the end of the rental term, the employee shall:

1. Leave the property clean and in good condition;
2. Remove all of the employee's personal property;
3. Repair all damages caused by moving; and
4. Return the property to the department/agency in the same condition as it was at the beginning, except for normal wear caused by reasonable use.

(c) If the employee leaves any personal property in or on the property, the department/agency employing the tenant shall dispose of the personal property in accordance with applicable law.

17:17-1.4 Eligibility standards for occupancy

(a) Only those employees who are designated as permanent classified, unclassified or provisional employees, or who are full-time 10-month employees (permanent classified, unclassified or provisional), shall be eligible to occupy State-owned employee housing. Seasonal, per diem, temporary or hourly State employees shall not be eligible for employee housing.

(b) Eligible employees may, at the discretion of the department/ agency, occupy employee housing subject to the following:

1. The employee's department/agency has employee housing within its control; and
2. The employee is filling a "mandatory" position and must occupy designated employee housing; or has applied for employee housing and the department/agency has housing spaces available.

(c) In addition to the above eligibility standards, and subject to the approval of the Board, each department/agency may have its own specific criteria for occupants of department/agency employee housing.

17:17-1.5 Annual survey

The Board shall require an annual survey of all employee housing units. This survey shall be done by a member of the Employee Housing Unit of the Office of Real Property Management, with reasonable notice given to the employee.

17:17-1.6 Annual rent review

(a) P.L. 1983, c.468, requires the Board to review annually housing rental rates, utility charges and maintenance fees. The rental rates shall be fair market value but shall take into account the location of the unit.

(b) Utility charges shall be paid by the employee, either by being metered separately, where practicable, or added to the rent.

(c) Maintenance charges shall be paid by the employee if customarily done so.

17:17-1.7 Rental reduction

(a) The Board, upon application of a cabinet officer, may authorize a reasonable reduction or waiver of rental or related fees for any one of the following reasons:

1. Residency is a condition of employment;
2. The unit is located on institution grounds; or
3. The rental value of unit is disproportionate to the employee's salary.

17:17-1.8 Change in employee status

(a) An employee who becomes ineligible to occupy a unit shall vacate the unit within 30 calendar days of receipt of written notice to vacate by the department/agency, unless granted an extension by the Board for reasons of hardship.

(b) In the event an employee who is receiving reduced rent based on mandatory status appeals the determination of eligibility and the appeal is ultimately unsuccessful, the employee shall be liable to the State for the difference between the full fair-market-value rent and the reduced rent retroactive to the effective date of the vacate notice. Payment shall be due and owing within 30 calendar days of the employee's receipt of the notice of the final determination of the appeal.

17:17-1.9 Discrimination

No person shall be denied occupancy of a State-owned residential housing unit on account of race, religion, creed, sex, age, political affiliation or marital status or on any other grounds prohibited under the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

17:17-1.10 Subletting; assignment

No employee of a State-owned housing unit shall assign or sublet the unit or shall permit additional persons, other than members of the employee's household, to occupy the unit without the approval of the Board. The number of people occupying the unit shall not exceed the number permitted under the State Housing Code, N.J.A.C. 5:28.

17:17-1.11 Signs

No signs, notices of advertising, or other lettering shall be displayed, painted or affixed to the outside or inside of the property without the department/agency's written consent, and without the property license or permit if required by governmental agencies.

17:17-1.12 Fire and other casualty

(a) The employee shall give the department/agency immediate notice of any fire or other casualty in the property. If the property cannot be used because of fire or other casualty, the employee shall not be required to pay rent for the time that the property is not usable. If part of the property cannot be used, the employee must pay rent for the usable part.

(b) If the fire or other casualty is caused by the act or neglect of the employee or the employee's household, employees, agents or guests, the employee shall pay for all repairs and all other damages. In that case, the employee must pay the full rent for the balance of the term.

(c) If the property is partially damaged by fire or other casualty without the act or neglect of the employee or the employee's household, employees, agents or guests, the department/agency shall repair it as soon as possible. The department/agency need only repair the damaged structural parts of the property and fixtures installed by the department/agency. The department/agency shall not be required to repair or replace anything installed by the employee. Employee shall be responsible for insuring employee's property.

(d) The lease shall terminate if the property is totally destroyed or otherwise rendered uninhabitable by fire or other casualty without the act or neglect of the employee or employee's household, employees, agents or guests and cannot be repaired or restored in a timely or cost effective manner.

17:17-1.13 Administrative appeals procedure

(a) An aggrieved employee may contest any administrative decision regarding housing occupancy, rents, evictions or other matters by notifying the Residential Housing Management Board. This is accomplished by first writing to the department/agency housing committee.

(b) Upon receipt of the grievance, the committee will have 10 business days to review the matter and issue a written decision after discussing the matter with the employee. If the matter cannot be satisfied at the committee level, the committee chairman will forward the matter along with all allied paperwork to the official within the department/agency who has the responsibility for employee housing.

(c) If after 10 business days the matter cannot be satisfied at the department/agency level, it shall be forwarded from the Director's Office along with the allied paperwork to the Office of Real Property Management, Employee Housing Unit, PO Box 229, Trenton, New Jersey 08625 (telephone 609-292-9694). All paperwork accomplished at the committee and department/agency levels must accompany the appeal to the Employee Housing Unit. The Employee Housing Unit shall take action on the complaint within 30 calendar days of receipt and notify the Residential Housing Management Board of its action at the next quarterly Board meeting. During the 30-day period, the Employee Housing Unit shall also notify the complainant of its determination.

(d) Concerning challenges to the Employee Housing Unit determination, the following statement shall be incorporated in every written notice setting forth the Employee Housing Unit's determination in a matter where such determination is contrary to the claim made by the claimant or the claimant's legal representative: "If you disagree with the determination of the Employee Housing Unit, you may appeal by submitting a written statement to the Residential Housing Management Board whose address is PO Box 229, Trenton, New Jersey 08625-0229 within forty-five (45) calendar days after the date of your receipt of written notice of the determination. The statement shall set forth in detail the reasons for your disagreement with the Employee Housing Unit's determination and shall include any and all relevant documentation supporting your claim. If no such written statement is received by the Board within the forty-five (45) day period, the determination by the Employee Housing Unit shall be final."

(e) The Board shall determine whether to grant an administrative hearing based upon the standards for a contested case hearing set forth in 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.

(f) Except where the Board determines to hear the case itself, administrative hearings shall be conducted by the Office of Administrative Law pursuant to the provisions of N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1.

(g) If the granted appeal involves solely a question of law, the Board may retain the matter and issue a final decision

which shall include detailed findings of fact and conclusions of law based upon the documents, submissions and legal arguments of the parties.

(h) If the granted appeal involves a question of facts, the Board shall submit the matter to the Office of Administrative Law.

(i) The Board's final decision maybe appealed to the Superior Court, Appellate Division.

17:17-1.14 Violation, eviction, re-entry and damages

(a) The department/agency may evict the employee for the violation of any agreement in this lease or for all other causes provided by law. The department/agency may then re-enter and regain possession of the property. The department/agency must give the employee the notice required by law.

(b) The department/agency may sue the employee for damages, including reasonable attorney's fees and costs, resulting from the employee's violation of any agreement in the lease.

17:17-1.15 Change of occupant

The Change of Status in a Unit of Occupant form (Form OPM-EH2) must be prepared and submitted by the department/agency to the Employee Housing Unit of the Office of Real Property Management within 15 calendar days upon any change in occupancy of a unit.

17:17-1.16 Leases

Each employee must sign a lease with a copy of the fully signed lease forwarded to the Employee Housing Unit. The lease must be on file prior to occupancy.

17:17-1.17 Leave of absence

An employee with an approved leave of absence may continue to occupy a housing unit, provided rental is paid biweekly in a check or money order made payable to "Treasurer, State of New Jersey" and forwarded through the department/agency to Office of Real Property Management. Failure to pay the rental in a timely manner shall subject the employee to eviction as provided under the law.

17:17-1.18 Capped rent

In any case where the rental of a unit exceeds 25 percent of an employee's salary, that employee shall not be required to pay more than said 25 percent. The rental shall be adjusted during the lease term as the employee's salary changes.