

SENATE, No. 789

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

Senator HOLLY T. SCHEPISI

District 39 (Bergen)

Co-Sponsored by:

Senators Singer and Cruz-Perez

SYNOPSIS

Extends affordable housing preference to certain allied South Korean veterans.

CURRENT VERSION OF TEXT

As reported by the Senate Military and Veterans' Affairs Committee with technical review.



(Sponsorship Updated As Of: 2/15/2024)

1 AN ACT extending affordable housing preference to certain South
2 Korean veterans and amending various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2017, c.19 (C.40:37A-114.1) is amended to
8 read as follows:

9 1. a. As used in this section:

10 "Disabled veteran" means any resident of the State who has been
11 honorably discharged or released under honorable circumstances
12 from active service in any branch of the Armed Forces of the United
13 States and who has been or shall be declared by the United States
14 Veterans Administration, or its successor, to have a service-
15 connected disability. "Disabled veteran" shall also include any
16 South Korean military veteran who, as determined by the
17 Department of Military and Veterans' Affairs: served in the
18 Vietnam conflict as an ally to the United States; is a citizen and
19 resident of this State; and has been declared by the South Korean
20 equivalent of the United States Veterans Administration to have a
21 service-connected disability.

22 "Veteran" means any resident of the State who has been
23 honorably discharged or released under honorable circumstances
24 from active service in any branch of the armed forces of the United
25 States, or any honorably discharged member of the American
26 Merchant Marine who served during World War II and is declared
27 by the United States Department of Defense to be eligible for
28 federal veterans' benefits. "Veteran" shall also include any South
29 Korean military veteran who, as determined by the Department of
30 Military and Veterans' Affairs: served in the Vietnam conflict as an
31 ally to the United States; and is a citizen and resident of this State.

32 b. In addition to any other federal or State law regarding
33 providing a veteran's affordable housing preference, the
34 Commissioner of Community Affairs shall establish rules and
35 regulations to provide a preference for affordable housing in a
36 housing project, as defined under subsection f. of section 2 of
37 P.L.1979, c.275 (C.40:37A-107), to homeless veterans, disabled
38 veterans, and family members who are the primary residential
39 caregivers to disabled veterans residing with them. All applicants
40 for the housing preference as specified herein shall also be required
41 to meet the income requirements for admission to the housing
42 project.

43 c. Among applicants eligible to receive a housing project
44 preference provided under subsection b. of this section, priority for
45 the preference shall be given to applicants as follows: (1) homeless
46 veterans shall receive first priority; (2) disabled veterans shall

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 receive second priority; and (3) family members who are the
2 primary residential caregivers to disabled veterans residing with
3 them shall receive third priority.

4 (cf: P.L.2017, c.19, s.1)

5
6 2. Section 2 of P.L.2017, c.19 (C.40A:12A-20.2) is amended to
7 read as follows:

8 2. a. As used in this section:

9 "Disabled veteran" means any resident of the State who has been
10 honorably discharged or released under honorable circumstances
11 from active service in any branch of the Armed Forces of the United
12 States and who has been or shall be declared by the United States
13 Veterans Administration, or its successor, to have a service-
14 connected disability. "Disabled veteran" shall also include any
15 South Korean military veteran who, as determined by the
16 Department of Military and Veterans' Affairs: served in the
17 Vietnam conflict as an ally to the United States; is a citizen and
18 resident of this State; and has been declared by the South Korean
19 equivalent of the United States Veterans Administration to have a
20 service-connected disability.

21 "Veteran" means any resident of the State who has been
22 honorably discharged or released under honorable circumstances
23 from active service in any branch of the armed forces of the United
24 States, or any honorably discharged member of the American
25 Merchant Marine who served during World War II and is declared
26 by the United States Department of Defense to be eligible for
27 federal veterans' benefits. "Veteran" shall also include any South
28 Korean military veteran who, as determined by the Department of
29 Military and Veterans' Affairs: served in the Vietnam conflict as an
30 ally to the United States; and is a citizen and resident of this State.

31 b. In addition to any other federal or State law regarding
32 providing a veteran's affordable housing preference, the
33 Commissioner of Community Affairs shall establish rules and
34 regulations to provide a preference for affordable housing in a
35 housing project to homeless veterans, disabled veterans, and family
36 members who are the primary residential caregivers to disabled
37 veterans residing with them. All applicants for the housing
38 preference as specified herein shall also be required to meet the
39 income requirements for admission to the housing project.

40 c. Among applicants eligible to receive a housing project
41 preference provided under subsection b. of this section, priority for
42 the preference shall be given to applicants as follows: (1) homeless
43 veterans shall receive first priority; (2) disabled veterans shall
44 receive second priority; and (3) family members who are the
45 primary residential caregivers to disabled veterans residing with
46 them shall receive third priority.

47 (cf: P.L.2017, c.19, s.2)

1 3. Section 8 of P.L.1983, c.530 (C.55:14K-8) is amended to read
2 as follows:

3 8. a. Admission to housing projects constructed, improved or
4 rehabilitated under this act shall be limited to families whose gross
5 aggregate family income at the time of admission does not exceed
6 six times the annual rental or carrying charges, including the value
7 or cost to them of heat, light, water, sewerage, parking facilities and
8 cooking fuel, of the dwellings that may be furnished to such
9 families, or seven times those charges if there are three or more
10 dependents. There may be included in the carrying charges to any
11 family for residence in any mutual housing project constructed,
12 improved or rehabilitated with a loan from the agency an amount
13 equal to 6% of the original cash investment of the family in the
14 mutual housing project and, to the extent authorized by the agency
15 where not included in the carrying charges, the value or cost of
16 repainting the apartment and replacing any fixtures or appliances.
17 Notwithstanding the provisions of this section, no family or
18 individual shall be eligible for admission to any housing project
19 constructed, improved or rehabilitated with a loan from the agency,
20 whose gross aggregate family income exceeds such amount as shall
21 be established from time to time by the agency, by rules or
22 regulations promulgated hereunder; except that with respect to any
23 project financed by an agency loan insured or guaranteed by the
24 United States of America or any agency or instrumentality thereof,
25 the agency may adopt the admission standards for such projects
26 then currently utilized or required by the guarantor or insurer.

27 The provisions of this subsection shall not apply to any housing
28 project that the agency determines is necessary to promote the long
29 term development and viability of a neighborhood and spur its
30 revitalization or is situated in a qualified municipality that is
31 constructed, improved or rehabilitated on or after the date upon
32 which the commissioner determines that the municipality fulfills the
33 definition of a qualified municipality pursuant to section 4 of
34 P.L.2002, c.43 (C.52:27BBB-4).

35 b. The agency shall by rules and regulations provide for the
36 periodic examination of the income of any person or family residing
37 in any housing project constructed, improved or rehabilitated with a
38 loan from the agency. If the gross aggregate family income of a
39 family residing in a housing project increases and the ratio to the
40 current rental or carrying charges of the dwelling unit becomes
41 greater than the ratio prescribed for admission in subsection a. of
42 this section but is not more than 25% above the family income so
43 prescribed for admission to the project, the owner or managing
44 agent of the housing project shall permit the family to continue to
45 occupy the unit. The agency or (with the approval of the agency)
46 the housing sponsor of any housing project constructed, improved
47 or rehabilitated with a loan from the agency, may terminate the
48 tenancy or interest of any family residing in the housing project

1 whose gross aggregate family income exceeds by 25% or more the
2 amount prescribed herein and which continues to do so for a period
3 of six months or more; but no tenancy or interest of any such family
4 in any such housing project shall be terminated except upon
5 reasonable notice and opportunity to obtain suitable alternate
6 housing, in accordance with rules and regulations of the agency;
7 and any such family, with the approval of the agency, may be
8 permitted to continue to occupy the unit, subject to payment of a
9 rent or carrying charge surcharge to the housing sponsor in
10 accordance with a schedule of surcharges fixed by the agency. The
11 housing sponsor shall pay the surcharge to the municipality granting
12 tax exemption, but only up to an amount that together with
13 payments made to the municipality in lieu of taxes and for any land
14 taxes equals 25% of the total rents or carrying charges of the
15 housing project for the current and any prior years that the project
16 has been in operation.

17 The provisions of this subsection shall not apply to any housing
18 project situated in a qualified municipality that is constructed,
19 improved or rehabilitated on or after the date upon which the
20 commissioner determines that the municipality fulfills the definition
21 of a qualified municipality pursuant to section 4 of P.L.2002, c.43
22 (C.52:27BBB-4).

23 c. For projects on which the agency has made a loan and
24 financed the loan with the proceeds of bonds issued prior to January
25 1, 1973, any remainder of the surcharge, or the total surcharge if tax
26 exemption has not been granted, shall be paid into the housing
27 finance fund securing the bonds issued to finance the project for the
28 use of the agency; for projects financed on or after January 1, 1973,
29 any remainder of the surcharge, or the total surcharge if tax
30 exemption has not been granted, shall be paid to the agency.

31 d. Any family residing in a mutual housing project required to
32 remove from the project because of excessive income as herein
33 provided shall be discharged from liability on any note, bond or
34 other evidence of indebtedness relating thereto and shall be
35 reimbursed, in accordance with the rules of the agency, for all sums
36 paid by the family to the housing sponsor on account of the
37 purchase of stock or debentures as a condition of occupancy or on
38 account of the acquisition of title for such purpose.

39 The provisions of this subsection shall not apply to any housing
40 project situated in a qualified municipality that is constructed,
41 improved or rehabilitated on or after the date upon which the
42 commissioner determines that the municipality fulfills the definition
43 of a qualified municipality pursuant to section 4 of P.L.2002, c.43
44 (C.52:27BBB-4).

45 e. The agency shall establish admission rules and regulations
46 for any housing project financed in whole or in part by loans
47 authorized hereunder which shall provide priority categories for
48 persons displaced by urban renewal projects, highway programs or

1 other public works, persons living in substandard housing, persons
2 and families who, by reason of family income, family size or
3 disabilities, have special needs, elderly persons and families living
4 under conditions violative of minimum health and safety standards.

5 The provisions of this subsection shall not apply to any housing
6 project situated in a qualified municipality that is constructed,
7 improved or rehabilitated on or after the date upon which the
8 commissioner determines that the municipality fulfills the definition
9 of a qualified municipality pursuant to section 4 of P.L.2002, c.43
10 (C.52:27BBB-4).

11 f. Notwithstanding the provisions of subsection e. of this
12 section, the Commissioner of Community Affairs, in consultation
13 with the Adjutant General of Military and Veterans' Affairs, shall
14 promulgate admission rules and regulations for any housing project,
15 financed in whole or in part by loans authorized hereunder, to
16 provide a housing preference for veterans and surviving spouses, as
17 those terms are defined under subsection (h) of section 1 of
18 P.L.1963, c.171 (C.54:4-8.10), who qualify for public housing
19 assistance, and for the spouses of veterans who currently so qualify.

20 For the purposes of this subsection:

21 "Veteran" shall also include any South Korean military veteran
22 who, as determined by the Department of Military and Veterans'
23 Affairs: served in the Vietnam conflict as an ally to the United
24 States; and is a citizen and resident of this State; and

25 "Surviving spouse" shall also include any citizen and resident of
26 the State who, as determined by the Department of Military and
27 Veterans' Affairs: is the surviving wife or husband of a deceased
28 South Korean military veteran who served in the Vietnam conflict
29 as an ally to the United States and was a citizen and resident of this
30 State at the time of death.

31 (cf: P.L.2016, c.19, s.1)

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33 4. Section 1 of P.L.2000, c.127 (C.38A:3-6a) is amended to read
34 as follows:

35 1. a. (1) The Adjutant General of the Department of Military
36 and Veterans' Affairs shall determine whether any person seeking to
37 be considered a "veteran" or a "disabled veteran" under
38 N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of
39 P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391
40 (C.43:16A-11.7), meets the criteria set forth therein and shall be
41 considered a veteran or disabled veteran, as appropriate, for the
42 purposes of these laws. The Adjutant General of the Department of
43 Military and Veterans' Affairs shall adjudicate an appeal from any
44 person disputing the decision of the Adjutant General as to whether
45 a person is to be considered a veteran or disabled veteran, as
46 appropriate, for the purposes of these laws. The Adjutant General
47 shall promptly notify the public entity responsible for administering

1 each such law of the determination of the Adjutant General, and the
2 determination shall be binding on such public entities.

3 (2) The Adjutant General of the Department of Military and
4 Veterans' Affairs shall receive applications and make
5 determinations related to citizens of the State seeking benefits and
6 preferences on the basis of an individual's South Korean military
7 veteran status, South Korean military disabled veteran status, or
8 South Korean military veteran surviving spouse status, related to an
9 individual who served in the Vietnam conflict as an ally to the
10 United States pursuant to P.L. , c. (pending before the
11 Legislature as this bill).

12 b. The Adjutant General of the Department of Military and
13 Veterans' Affairs shall promulgate, in accordance with the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), rules and regulations to effectuate the purposes of this act.
16 (cf: P.L.2000, c.127, s.1)

17
18 5. This act shall take effect on the first day of the third month
19 next following enactment, except that the Commissioner of
20 Community Affairs, in consultation with the Adjutant General of
21 Military and Veterans' Affairs, may take anticipatory action
22 necessary to effectuate the provisions of P.L. , c. (C.)
23 (pending before the Legislature as this bill).