

P.L. 2021, CHAPTER 126, *approved June 29, 2021*
Senate, No. 1255 (*First Reprint*)

1 AN ACT concerning funding for special needs housing and
2 amending ¹**[P.L.2004, c.70]** P.L.1968, c.49¹ and P.L.2005, c.163.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹**[**1. Section 6 of P.L.2004, c.70 (C.34:1B-21.28) is amended to
8 read as follows:

9 6. a. There is created within the authority a special nonlapsing
10 fund, to be known as the "Motor Vehicle Surcharges Revenue
11 Fund." The Motor Vehicle Surcharges Revenue Fund shall consist
12 of:

13 (1) such moneys as may be appropriated to the Motor Vehicle
14 Surcharges Revenue Fund by the Legislature and paid to the
15 authority by the State Treasurer from Dedicated Motor Vehicle
16 Surcharges Revenues;

17 (2) interest or other income derived from the investment of
18 moneys in the Motor Vehicle Surcharges Revenue Fund; and

19 (3) any other moneys as may be deposited from time to time,
20 except that such moneys shall not be appropriated from the General
21 Fund.

22 b. In each State fiscal year during which the authority has
23 outstanding bonds or refunding bonds which have been issued
24 pursuant to this act, moneys in the Motor Vehicle Surcharges
25 Revenue Fund may be used by the authority, in accordance with the
26 provisions of any bond resolutions authorizing the issuance of
27 bonds or refunding bonds pursuant to this act and any contract
28 between the authority and the State Treasurer authorized and
29 entered into pursuant to section 7 of **[this act]** P.L.2004, c.70
30 (C.34:1B-21.29), to pay debt service payable on the authority's then
31 outstanding bonds or refunding bonds issued pursuant to this act
32 and any amounts due in connection with any agreements entered
33 into pursuant to subsection c. of section 4 of **[this act]** P.L.2004,
34 c.70 (C.34:1B-21.26) due in such fiscal year, to replenish any
35 reserve or other fund established for such bonds or refunding bonds
36 issued in accordance with subsection a. of section 4 of **[this act]**
37 P.L.2004, c.70 (C.34:1B-21.26), and to pay any and all other
38 additional amounts as shall be authorized by this act and required to
39 be paid by the authority during such fiscal year, provided however,
40 that the payment of all such amounts to the authority by the State
41 Treasurer shall be subject to and dependent upon appropriations
42 being made from time to time by the Legislature of the amounts
43 thereof for the purposes of this act. Notwithstanding any other
44 provision of any law, rule, regulation or order to the contrary, the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted February 9, 2021.

1 authority shall be paid only such amounts as shall be required by
2 the provisions of any contract between the authority and the State
3 Treasurer authorized and entered into pursuant to section 7 of **【this**
4 **act】** P.L.2004, c.70 (C.34:1B-21.29) and the incurrence of any
5 obligation of the State under any such contract, including any
6 payments to be made thereunder, shall be subject to and dependent
7 upon appropriations being made from time to time by the
8 Legislature for the purposes of **【this act】** P.L.2004, c.70 (C.34:1B-
9 21.23 et al.).

10 c. In each fiscal year beginning on or after July 1, 2006 but
11 before July 1, 2020, all amounts on deposit in the Motor Vehicle
12 Surcharges Revenue Fund in excess of the amount necessary to pay
13 any amounts required to be paid by the authority pursuant to any
14 bond resolutions authorizing the issuance of bonds or refunding
15 bonds pursuant to this act or pursuant to any contract between the
16 authority and the State Treasurer authorized or entered into
17 pursuant to section 7 of **【this act】** P.L.2004, c.70 (C.34:1B-21.29)
18 and payable during such fiscal year shall be transferred to the
19 General Fund. In each fiscal year beginning on or after July 1,
20 2020, all amounts on deposit in the Motor Vehicle Surcharges
21 Revenue Fund in excess of the amount necessary to pay any
22 amounts required to be paid by the authority pursuant to any bond
23 resolutions authorizing the issuance of bonds or refunding bonds
24 pursuant to P.L.2004, c.70 (C.34:1B-21-23 et al.) or pursuant to any
25 contract between the authority and the State Treasurer authorized or
26 entered into pursuant to section 7 of P.L.2004, c.70 (C.34:1B-21.29)
27 and payable during such fiscal year shall be transferred to the
28 Special Needs Housing Trust Fund, provided that the first
29 \$7,500,000 of such moneys so transferred in each fiscal year shall
30 be remitted to the "Alcohol Treatment Programs Fund" created in
31 section 2 of P.L.2001, c.48 (C.26:2B-9.2).
32 (cf: P.L.2004, c.70, s.6)**】¹**
33

34 ¹1. Section 4 of P.L.1968, c.49 (C.46:15-8) is amended to read
35 as follows:

36 4. a. The proceeds of the fees collected by the county recording
37 officer, as authorized by P.L.1968, c.49 (C.46:15-5 et seq.), shall be
38 accounted for and remitted to the county treasurer.

39 b. (1) The county portion of the basic fee collected pursuant to
40 paragraph (1) of subsection a. of section 3 of P.L.1968, c.49
41 (C.46:15-7) shall be retained by the county treasurer for the use of
42 the county.

43 (2) The State portion of the basic fee, the additional fee, and the
44 general purpose fee shall be paid to the State Treasurer for the use
45 of the State. Payments shall be made to the State Treasurer on the
46 tenth day of each month following the month of collection.

1 c. (1) Amounts, not in excess of \$25,000,000, paid during the
2 State fiscal year to the State Treasurer from the payment of the
3 State portion of the basic fee shall be credited to the "Shore
4 Protection Fund" created pursuant to section 1 of P.L.1992, c.148
5 (C.13:19-16.1), in the manner established under that section.

6 (2) In addition to the amounts credited to the "Shore Protection
7 Fund" pursuant to paragraph (1) of this subsection, amounts equal
8 to \$12,000,000 in each of the first 10 years after the date of
9 enactment of the "Highlands Water Protection and Planning Act,"
10 P.L.2004, c.120 (C.13:20-1 et al.) and to \$5,000,000 in each year
11 thereafter, paid during the State fiscal year to the State Treasurer
12 from the payment of fees collected by the county recording officer
13 other than the additional fee of \$0.75 for each ~~["\$500.00"]~~ \$500 of
14 consideration or fractional part thereof recited in the deed in excess
15 of ~~["\$150,000.00"]~~ \$150,000 shall be credited to the "Highlands
16 Protection Fund" created pursuant to section 21 of P.L.2004, c.120
17 (C.13:20-19), in the manner established under that section. No
18 monies shall be credited to the "Highlands Protection Fund"
19 pursuant to this paragraph until and unless the full amount of
20 \$25,000,000 has first been credited to the "Shore Protection Fund"
21 pursuant to paragraph (1) of this subsection.

22 (3) In addition to the amounts credited pursuant to paragraphs
23 (1) and (2) of this subsection, commencing with the first State fiscal
24 year next following the enactment of P.L. , c. (pending before
25 the Legislature as this bill), an amount equal to \$20,000,000 shall
26 annually be credited to the Special Needs Housing Trust Fund,
27 created pursuant to section 1 of P.L.2005, c.163 (C.34:1B-21.25a),
28 in the manner established under that section.

29 d. All amounts paid to the State Treasurer from the payment of
30 the additional fee shall be credited to the Neighborhood
31 Preservation Nonlapsing Revolving Fund established pursuant to
32 P.L.1985, c.222 (C.52:27D-301 et al.), in the manner established
33 under section 20 thereof (C.52:27D-320).¹

34 (cf: P.L.2004, c.120, s.61)

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36 2. Section 1 of P.L.2005, c.163 (C.34:1B-21.25a) is amended
37 to read as follows:

38 1. a. The Legislature finds and declares that:

39 (1) The State of New Jersey has the responsibility of providing
40 for and assuring the continued operation of safe and humane
41 residences for individuals who require supportive housing or
42 extended care in a community residence;

43 (2) The State of New Jersey requires additional funding to
44 continue efforts to create permanent supportive housing and
45 community residences as alternatives to institutionalization or
46 homelessness for those who would benefit from these programs;

47 (3) The State of New Jersey requires immediate programs: (i) to
48 create additional units of permanent supportive housing and

1 community residences through new construction or substantial
2 rehabilitation; and (ii) to support community grants and loans to
3 develop and ensure the long-term viability of such housing and
4 residential opportunities for individuals with special needs with
5 priority given to individuals with mental illness;

6 (4) Implementation of these programs will be a substantial step
7 toward meeting the immediate and critical need of the people of
8 New Jersey, will substantially further the public interest, and can
9 most economically be financed through a bond issue;

10 (5) The establishment of the Special Needs Housing Trust Fund
11 under the auspices of the New Jersey Housing and Mortgage
12 Finance Agency, funded through the issuance of bonds by the New
13 Jersey Economic Development Authority under the already
14 authorized "Motor Vehicle Surcharges Securitization Act of 2004,"
15 P.L.2004, c.70 (C.34:1B-21.23 et al.), is the most desirable means
16 to provide funding and to implement the programs.

17 b. There is established in the agency a special nonlapsing,
18 revolving fund to be known as the Special Needs Housing Trust
19 Fund. The proceeds from the sale of bonds issued by the authority
20 pursuant to the "Motor Vehicle Surcharges Securitization Act of
21 2004," P.L.2004, c.70 (C.34:1B-21.23 et al.), to finance special
22 needs housing projects pursuant to P.L.2005, c.163 (C.34:1B-
23 21.25a et al.) and deposited into the Motor Vehicle Surcharges
24 Securitization Proceeds Fund, together with such other funds as
25 may be authorized by law, shall be paid by the authority to the
26 agency for deposit into the Special Needs Housing Trust Fund
27 based upon executed agreements between the authority and the
28 State Treasurer. For the purpose of obtaining moneys from the
29 authority to be deposited into the Special Needs Housing Trust
30 Fund, the agency may enter into agreements with the authority to
31 receive moneys from the authority for any purposes authorized by
32 P.L.2005, c.163 (C.34:1B-21.25a et al.) and specified in the
33 agreements between the agency and the authority. The proceeds of
34 this fund shall be deposited in those depositories as may be selected
35 by the agency to the credit of the fund.

36 c. Funds deposited into the Special Needs Housing Trust Fund
37 shall be used by the agency to make loans, grants or other
38 investments to finance or otherwise pay the costs of special needs
39 housing projects, upon such terms as the agency shall determine. In
40 making any of the foregoing loans, grants or other investments, the
41 agency shall not be limited by any of the restrictions imposed by
42 P.L.1983, c.530 (C.55:14K-1 et seq.) on eligible loans, funding or
43 financial assistance for housing projects, or other financing
44 vehicles, and shall give priority to special needs housing projects
45 benefiting persons with mental illness. Special needs housing
46 projects funded from the Special Needs Housing Trust Fund shall
47 be eligible for exemption from real property taxation pursuant to
48 subsection b. of section 37 of P.L.1983, c.530 (C.55:14K-37).

1 d. Pending their application to the purposes provided in
2 P.L.2005, c.163 (C.34:1B-21.25a et al.), the moneys in the Special
3 Needs Housing Trust Fund may be invested and reinvested as are
4 other trust funds in the custody of the agency, in the manner
5 provided by law. Net earnings received from the investment or
6 deposit of moneys in the Special Needs Housing Trust Fund shall
7 remain in such fund and be applied to the purposes set forth in
8 P.L.2005, c.163 (C.34:1B-21.25a et al.).

9 e. The agency is authorized to promulgate the rules and
10 regulations, policies and procedures necessary to effectuate the
11 provisions and purposes of P.L.2005, c.163 (C.34:1B-21.25a et al.)
12 in accordance with the "Administrative Procedure Act," P.L.1968,
13 c.410 (C.52:14B-1 et seq.).
14 (cf: P.L.2005, c.163, s.1)

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16 3. This act shall take effect immediately.
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21 Requires that certain realty transfer fee revenues be dedicated to
22 Special Needs Housing Trust Fund.