

FAIR SHARE HOUSING CENTER
510 Park Boulevard
Cherry Hill, New Jersey 08002
P: 856-665-5444
F: 856-663-8182
Attorneys for Plaintiff
By: Kevin D. Walsh, Esq. and
Adam M. Gordon, Esq.

**FAIR SHARE HOUSING CENTER,
INC.,**

Plaintiff,

v.

**Department of Community
Affairs of the State of New
Jersey,**

Defendant.

SUPERIOR COURT
LAW DIVISION
MERCER

Docket No. _____

CIVIL ACTION

**VERIFIED COMPLAINT IN LIEU OF
PREROGATIVE WRIT**

Nature of Action

1. This is a lawsuit brought pursuant to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 to -13.

2. Plaintiff Fair Share Housing Center (FSHC) seeks access to public records in the possession of Defendant, Department of Community Affairs of the State of New Jersey (DCA).

3. FSHC requested the manuals, guidelines and other documents provided or created by the State of New Jersey (State), the staff and management, and any contractors or

subcontractors engaged to operate the Hurricane Sandy Housing Recovery Centers related to implementation of the programs identified in the New Jersey Department of Community Affairs Community Development Block Grant Disaster Recovery Action Plan (Action Plan) as: a) Homeowner Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, Sections 4.1.1 of the Action Plan; b) the Incentive Program (sometimes called the Homeowner Resettlement Program), Section 4.1.2 and c) the Fund for Rehabilitation of Small Rental Properties, Section 4.2.2, including records related to the operation of the Centers, the processing of applications for assistance, the appeal process and records describing the demographics, numbers and location of those granted and denied assistance under the identified programs.

4. The DCA denied FSHC access to the documents FSHC requested by first asking for a 30 day extension to deliver the documents, then providing no response at the end of that 30 days, and most recently asking for another 10 days from yesterday.

5. These documents concern nearly half of the State's Sandy recovery funding, \$850 million of a total of \$1.8 billion in federal Community Development Block Grant - Disaster Recovery (CDBG-DR) funds.

6. Access to these documents is an extremely time sensitive matter given that these funds are vital to many families' ability to rebuild after Sandy.

7. Many times each week, FSHC is contacted directly by families impacted by Sandy and organizations seeking to assist those families, complaining of their inability to understand the process by which they can gain access to these funds due to lack of access to these documents. These families and organizations repeatedly ask FSHC basic questions such as under what circumstances manufactured homes can qualify for these grants, what criteria the state is using for the term "substantial damage" which may be a required showing to receive some of these grants, and under what circumstances families should file an appeal of grant denials and how that process works. FSHC cannot assist people who have been denied assistance effectively without understanding the policies upon which denials are based.

8. Access to these documents is also critical and time-sensitive because at any point within the next few weeks the U.S. Department of Housing and Urban Development is expected to award an additional \$2 billion or more in federal CDBG-DR funds and initiate a public process to evaluate how these funds should be used to supplement existing programs or start new programs. Absent access to these documents, FSHC cannot meaningfully participate in that process because it will not have the data

and guidelines needed to evaluate the State's progress to date and comment on the remaining unmet needs among lower-income families that should be addressed by the next round of federal funding.

Parties

9. The Department of Community Affairs is a department of the State of New Jersey.

10. Fair Share Housing Center, Inc. (FSHC) was founded in 1975 and is a non-profit advocate of the Mount Laurel doctrine.

11. FSHC appears primarily in New Jersey's state courts in litigation against the state, its agencies, and its municipalities involving challenges to exclusionary zoning policies.

12. FSHC also monitors state and federal funding involving affordable housing and is specifically interested in how the State of New Jersey is using up to an estimated \$4 billion in Community Development Block Grant funding from the United States Department of Housing and Urban Development (HUD) pursuant to a supplemental spending appropriation passed by Congress and signed into law by President Obama on January 29, 2013 (Pub. L. 113-2).

13. FSHC also plays a critical role in assisting families and community based organizations seeking decent homes that are within lower-income families' budgets. The need for this work

has greatly expanded after Sandy, with thousands of lower-income families still unable to find decent homes, facing staggering rent increases, or unable to afford rebuilding costs.

14. As part of FSHC's work, it requests documents from public entities, including the state and its departments and agencies.

Factual Background

A. Filing of OPRA Requests and DCA's responses

15. On July 31, 2013, FSHC submitted two Open Public Records Act (OPRA) requests to the DCA requesting records under OPRA and under the common law right to know (the two requests were related but submitted formally as two different requests due to character count limits on the DCA website). Exhibits 1 and 2.

16. The July 31, 2013 requests ask for the following documents:

We request all documents below as relate to the programs in Action Plan Sections a) 4.1.1, Homeowner reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, b) the Incentive Program (sometimes called the 4.1.2 Homeowner Resettlement Program), and/or c) the 4.2.2 Fund for Rehabilitation of Small Rental Properties: 1) Copies of all documents, titled or which may be characterized as a manual, guidelines or other document provided to staff and management of Housing Recovery Centers instructing Housing Recovery Center staff and management in the performance of their scope of work and responsibilities with respect to each of the above identified recovery programs. 2) Copies of all documents describing the process by which Housing Recovery Center staff and management determine the eligibility of an applicant for each of the above identified recovery programs. 3) Copies of all documents provided to Housing Recovery Centers staff and management either by the State or by any contractor or sub-contractor of the State that instruct Housing Recovery Center staff and management on how to perform the tasks and make the determinations within their

scope of work and responsibility related to the above identified programs. 4) Copies of all documents describing or defining what information Housing Recovery Center staff and management must give to any individual, household or business applicant for assistance to any and all of the above described programs in the event that: a) the applicant is determined to be eligible for assistance and b) the applicant is determined to be ineligible for assistance.

Exhibit 1, Request W78596

And

We request all documents below in 1) to 3) as relate to the programs in Action Plan Sections a) 4.1.1, Homeowner reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, b) the Incentive Program (sometimes called the 4.1.2 Homeowner Resettlement Program), and/or c) the 4.2.2 Fund for Rehabilitation of Small Rental Properties: 1) Copies of all documents that are provided, by Housing Recovery Center staff and management, to individual, household or business applicants for assistance to any and all of the above described programs the event that a) the applicant is determined to be eligible for assistance and b) the applicant is determined to be ineligible for assistance. 2) Copies of all documents describing or defining how an appeal is to be taken by an individual, household or business that is dissatisfied with an eligibility or award determination made by Housing Recovery Center staff and Housing Recovery Center management or other agent of the State authorized to make such determination which a) are held internally by the State, any subdivision of the State, any contractor or sub-contractor of the State and b) given to the applicant. Please identify the source or originating entity for each document produced if not apparent on the face of the document. 3) Copies of all documents, including manuals, guidelines, or other documents provided to the entity that receives, assigns, adjudicates or otherwise takes or is authorized or instructed to take any action regarding appeals of either eligibility or amount of award with respect to any application for assistance by any individual, household or business for each of the above described programs. We also request: 4) The most current record(s) containing the information for CDBG-DR Action Plan programs Section 4.1.1 Homeowner Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, Section 4.1.2 Homeowner Resettlement Program (sometimes referred to as the Incentive Program), Section 4.2.2 Fund for Rehabilitation of Small Rental Properties, Section 4.2.4.1 Project Based Incentive for Landlords to Provide Affordable Housing at the municipal level and also the census block level (and if that is not available, then at census tract level, and if that is not available then at zip code level) containing data on demographics of those assisted with first round funding for each program, including race, ethnicity, age, disability, and number of extremely-low, very-low, and lowincome households, with: the number of applicants to each program, the number of and amount of grants made from each program, the number of applicants put on any wait list or similar status for each program, and the number of applicants rejected from each program. We will accept data with personal identification information redacted. 5) Copies of all documents created by the State or any contractor or sub-contractor of the State or transmitted to HUD regarding needs in response to the Action Plan statement that: "The State will continue to refine its unmet needs assessment as more data become available." (Sandy Recovery CDBG-DR Action Plan, Section 1. Introduction, p. 1-2.)

Exhibit 2, Request number W78598.

17. The public records requested by FSHC in the above OPRA requests are directly related to the expenditure of funding which has been and may be made available to the State of New Jersey, through the DCA, under the CDBG-DR program involving disaster recovery related to Superstorm Sandy.

18. On August 5, 2013, the DCA, via email to FSHC, informed the FSHC that the DCA required a 30 day extension of the OPRA statutory response date. (Exhibit 3).

19. As of September 10, 2013, five days after the expiration of the state imposed extension, the DCA had not provided any records in response to requests W78596 or W78598.

20. On September 10, 2013, thirty-two (32) days after the expiration of the statutory OPRA reply period, FSHC sent an email to DCA demanding the production of the subject records within forty-eight (48) hours of the FSHC email. (Exhibit 4).

21. In reply, the DCA informed FSHC that it would deliver the subject records within ten (10) days of September 10, 2013. (Exhibit 5).

22. In its September 10, 2013 email, the DCA did not acknowledge or respond to the forty-eight (48) hour production demand made by FSHC. (Id.)

23. The September 10, 2013 email from DCA would result in DCA producing the requested records as much as forty-

one (41) days after the request rather than within the seven (7) business days provided by OPRA.

24. The DCA has now asked for an extension on an extension of the statutory response date.

25. FSHC has no way of knowing how many further delay periods DCA will assert instead of producing the documents.

B. FSHC's Interest in the Public Records

26. FSHC is a non-profit whose mission includes actively advocating for the preservation and construction of housing for lower income households in New Jersey.

27. Tens of thousands of low and moderate income households have had their housing severely damaged or destroyed and many have been made homeless by Superstorm Sandy.

28. Pursuant to the federal Housing and Community Development Act of 1974 as amended, 42 U.S.C. 5301 et seq., seventy percent funds made available under CDBG must be presumptively spent on programs that benefit low and moderate income families. The required level of funding can be reduced to 50-percent by the Secretary of HUD.

29. Pursuant to the federal disaster recovery assistance appropriations act for disasters occurring in 2011 through 2013 (Pub. L 113-2), including Sandy, each recipient of federal CDBG-DR funding was required to prepare and submit to

HUD a Disaster Recovery Action Plan describing how it would spend disaster recovery funds it received from HUD.

30. On April 29, 2013, the State of New Jersey Action Plan, submitted to HUD through its DCA, was approved by HUD and New Jersey was allocated just under \$1.83 billion of CDBG-DR funds.

31. There have been widespread problems among lower-income families and communities in accessing these funds.

32. On an almost daily basis, lower-income families and community organizations contact FSHC to request assistance in understanding why they are being denied the funds they need to rebuild after Sandy, and what they should do about it.

33. Those families and organizations repeatedly state that they do not understand the process set out by the state for these funds and why they are being turned down from these funds, and cannot get clear answers from the state or its contractors.

34. FSHC is unable to assist these families and community groups in an effective way without the documents sought in this OPRA request.

35. It is anticipated that, within the next several weeks, the State will receive an additional allocation of somewhat more than \$2 billion from the same appropriations act.
Exhibit 6.

36. Under federal law, the additional allocation and the State's response to it will trigger a time limited public comment process; in the last round that public comment process was only seven days.

37. In order to meaningfully participate in that public process regarding the allocation of \$2 billion, FSHC needs access to these documents at least several weeks prior to that process in order to engage in a review, including technical data review that may include engaging outside consultants, to understand the operation of these programs and the remaining unmet needs of lower-income Sandy victims.

38. The State's Action Plan described the State's intention to assist residents of New Jersey through a number of programs, including the Homeowner Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, the Incentive Program (sometimes called the Homeowner Resettlement Program), and Fund for Rehabilitation of Small Rental Properties.

39. On or about May 8, 2013 the State of New Jersey entered into contract #A83958, index #G-8043, for the period from May 8, 2013, to June 7, 2016, with Hammerman & Gainer, Inc. (HGI) for the purpose of creating and operating Housing Recovery Centers (HRCs) in each of the nine most storm affected counties. (Exhibit 7).

40. HGI's responsibilities include the accepting and processing of applications for assistance, determining whether applicants did or did not qualify for assistance under the several identified programs, adjudicating appeals taken by applicants who were rejected or who otherwise disagreed with the determination of the HRC staff and maintaining records of all of its activities as required under the federal allocation rules.

41. The State of New Jersey Request for Quotations (RF774882S) issued April 17, 2013 (RFQ), states the legal obligations of HGI in its Scope of Services, Section 3.0 et seq, which is attached hereto and incorporated herein by reference as though fully set forth. (Exhibit 8).

42. Section 3.1.12 makes explicit the "Document Management and Records Retention" obligations of HGI.

43. Section 5.2 of the RFQ states, inter alia, that "All [data and documents of every nature] which are prepared for or are a result of the services required under this contract shall be and remain the property of the State of New Jersey ...".

44. The estimated amount to be paid to HGI over the term of the contract is \$67,739,989.39. (See Exhibit 7).

45. The *Table 4-1 Method of Distribution* of the Action Plan (p.4.3), which summarizes how the \$1.8 billion in CDBG-DR funding will be used, states the funding allotted to each of the programs operated under the contract as: RREM - \$600

million, the Homeowner Resettlement Program \$180 million and the Fund for Rehabilitation of Small Rental Properties - \$70 million. (See Exhibit 9).

46. The three programs operated under the manuals, documents and records requested by FSHC via the subject requests are expected to spend \$850 million.

47. This amount is in excess of forty-six (46%) percent of the approximately \$1.83 billion made available to New Jersey in the April 29, first round, allocation by HUD.

48. The *Table 4-1 Method of Distribution* states that the programs operated under the contract are intended to assist over 15,750 houses and other housing units, with RREM benefiting 6,000 homes, the Homeowner Resettlement Program benefiting 18,000 homes and the Fund for Rehabilitation of Small Rental Properties benefiting 1,750 homes.

49. Of the homes to be benefited by the subject programs, 70% of the RREM homeowners are to be of low and moderate-income; 60% of the Homeowner Resettlement Program homes are to be owned and occupied by low and moderate-income families and 100% of the homes brought onto the market by the Small Rental Properties program are to be occupied by households of low and moderate-income.

50. The public has been and continues to be denied any ability to evaluate the operations of HGI and the State of

New Jersey in the implementation of the programs described above.

51. As of the filing of this complaint, which occurred following the failure of the state to produce the public records in a timely manner even after requesting a 30-day extension, and, then, again stating that it would not produce the records within 48 hours after being requested to do so on September 10, 2013, DCA has failed to produce a single requested record and has failed to make the requested records available for inspection, copying or examination.

Count One: Violation of the Open Public Records Act

52. Plaintiff repeats and incorporates the above paragraphs as if set forth fully herein.

53. The New Jersey Department of Community Affairs is a "public agency" as that term is defined by N.J.S.A. 47:1A-1.1 and is thus subject to the Open Public Records Act.

54. The New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 to -13, requires the DCA to grant plaintiff access to "government records."

55. N.J.S.A. 47:1A-1.1 states that "'Government record' or 'record' means any paper . . . document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained

electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of . . . official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof."

56. OPRA declares that "government records," which include virtually all documents in the possession of the state, "shall be readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest, and any limitations on the right of access . . . shall be construed in favor of the public's right of access." N.J.S.A. 47:1A-1.

57. N.J.S.A. 47:1A-6 provides that "[a] person who is denied access to a government record by the custodian of the record, at the option of the requestor, may[] institute a proceeding to challenge the custodian's decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge

and expertise in matters relating to access to government records.”

58. N.J.S.A. 47:1A-6i provides that “a custodian of a government record shall grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request.”

59. Plaintiff by its attorney requested access to government records.

60. The DCA denied plaintiff timely access to government records to which it was entitled.

61. The requested records are a discrete set of readily identifiable and available documents.

62. The State of New Jersey had not provided FSHC with any reason why it has not produced the requested records.

63. By denying plaintiff access to all of the public records requested by plaintiff the DCA has violated and is violating the Open Public Records Act, N.J.S.A. 47:1A-1.

Count Two: Violation of Common Law Right to Know

64. Plaintiff repeats and incorporates the above paragraphs as if set forth fully herein.

65. Pursuant to the common law right to know, plaintiff requested government records from the DCA.

66. Plaintiff, in view of its historic and ongoing involvement in affordable housing law, policy, and funding in New Jersey, has a valid interest in the public records that it has requested.

67. Plaintiff has standing to demand access to the common law public records to which it has been denied access.

68. The documents plaintiff has requested are public records under the common law right to know.

69. The DCA has denied plaintiff access to common law public records.

70. The records to which plaintiff was denied access are not properly privileged under any recognized privilege.

71. Plaintiff has a greater interest in obtaining access to the public records to which the DCA has denied access than does the DCA in declining access to those records.

72. By denying plaintiff access to all of the public records it requested, the DCA has violated and is violating the common law right to know.

Prayer for Relief

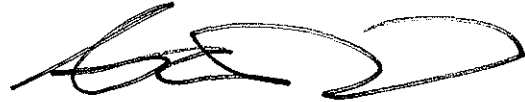
Plaintiff requests the following relief:

- (1) A declaration that the DCA is a "public agency" as that term is defined by N.J.S.A. 47:1A-1.1 and is subject to the Open Public Records Act.
- (2) A declaration that the DCA improperly failed to produce the requested records within the statutorily

required time limit and pursuant to its obligation under the New Jersey common law right to know.

- (3) An order enjoining the DCA from future violations of Open Public Records Act and common law right to know.
- (4) An order directing the DCA to prepare a Vaughn index if it claims any documents are privileged.
- (5) An order directing the DCA to provide plaintiff access to all public records implicated by plaintiff's OPRA requests and to do so in a non-redacted format.
- (6) Expedited handling of this appeal.
- (7) Damages for violations of the aforesaid laws.
- (8) Counsel fees and costs and other appropriate fees for the violation of aforesaid laws.
- (9) Other relief determined by the court to be just and proper.

Respectfully submitted,
FAIR SHARE HOUSING CENTER
Attorneys for Plaintiff



Adam M. Gordon, Esquire

Dated: 9-11-13

DESIGNATION OF TRIAL COUNSEL

Kevin D. Walsh is hereby designated as trial counsel.

FAIR SHARE HOUSING CENTER
Attorneys for Plaintiff



Adam M. Gordon, Esquire

Dated: 9-11-13

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy herein is not the subject of another controversy. I further certify that it is not contemplated that another party should be joined.

I hereby certify that the foregoing statements made by me are true and am aware that if any of them is false, I am subject to punishment

Dated: 9-11-13



Adam M. Gordon, Esquire

VERIFICATION OF COMPLAINT

I, Adam M. Gordon, declare:

1. I am a staff attorney with Fair Share Housing Center.
2. The foregoing complaint for and on behalf of the Plaintiff in this matter was prepared by me. The facts stated in the complaint have been assembled by me. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on: 9-11-13



Adam M. Gordon

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Cherry Hill, New Jersey 08002
P: 856-665-5444
F: 856-663-8182
Attorneys for Plaintiff
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Plaintiff,

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**DEPARTMENT OF COMMUNITY
AFFAIRS OF THE STATE OF NEW
JERSEY,**

Defendant.

SUPERIOR COURT
LAW DIVISION
MERCER COUNTY

Docket No. _____

CIVIL ACTION

ORDER TO SHOW CAUSE

THIS MATTER having been opened to the Court by plaintiff Fair Share Housing Center, represented by Adam M. Gordon, Esq., following the denial of a request for access to public records by the defendant Department of Community Affairs of New Jersey, ("the DCA"); and plaintiff having made this application for an Order to Show Cause pursuant to R. 4:67-1(a) and N.J.S.A. 47:1A-6, and notice of such application having been given to the Department of Community Affairs, and the Court having reviewed the papers submitted by plaintiff in connection with this

application, consisting of a Verified Complaint, and for good cause shown;

IT IS ORDERED that the DCA show cause on the ___ day of _____, 2013, at _____ a.m./p.m. before the Honorable _____ at the above named Court as to why an order granting plaintiffs the following relief should not be issued:

- (1) A declaration that the DCA is a "public agency" as that term is defined by N.J.S.A. 47:1A-1.1 and is subject to the Open Public Records Act and the common law right to know.
- (2) A declaration that the DCA improperly refused to timely deliver properly requested documents.
- (3) A declaration that the records requested are not advisory, consultative, or deliberative material and therefore not exempt from disclosure.
- (4) An order enjoining the DCA from future violations of Open Public Records Act and the common law right to know.
- (5) An order directing the DCA to prepare a Vaughn index if it claims any records are privileged.
- (6) An order directing the DCA to provide plaintiff access to all public records implicated by plaintiff's OPRA request and to do so in a non-redacted format.
- (7) Expedited handling of this matter.
- (8) Damages for violations of the aforesaid laws.
- (9) Counsel fees and costs and other appropriate fees for the violation of aforesaid laws.
- (10) Other relief determined by the court to be just and proper.

Defendant shall file a brief addressing the validity of any denials of access of public records to Plaintiff by the DCA on

or before _____, 2013 at ____ a.m./p.m. Plaintiff shall file a brief in response on or before _____, 2013 at ____ a.m./p.m.

IT FURTHER APPEARING that DCA may assert a claim of privilege over public records requested by Plaintiff, it is further ordered as follows:

- a. DCA shall permit the trial court to review all purportedly privileged public records implicated by plaintiff's OPRA request in camera and to deliver to those documents to the Court by ____ a.m./p.m. on the ____ day of _____, 2013.
- b. By that same date and time, DCA shall provide a line-by-line factual analysis of each line in each document it contends is privileged and shall indicate why it contends any factual information should not be provided to FSHC.
- c. By that same date and time, DCA shall produce a privilege log that complies with Rule 4:10-2(e) as that rule is interpreted in Seacoast Builders Corp. v. Rutgers, 358 N.J. Super. 524 (2003).
- d. By that same date and time, DCA shall provide information that permits FSHC to address the validity of the claims of privilege, including a certification from a person with personal knowledge that indicates who sent and received the communications and who created the notes that are the subject of this litigation.

IT FURTHER APPEARING that defendant has been served with copies of plaintiff's Verified Complaint in Lieu of Prerogative Writ, **IT IS FURTHER ORDERED THAT** defendant shall file an answer in this matter by _____, 2013 at ____ a.m./p.m. A failure to file an answer by that date may result in the entry of judgment by default against defendants for the relief

demanded in plaintiffs' complaint.

IT IS FURTHER ORDERED THAT Plaintiff's counsel shall cause a true copy of this Order to Show Cause to be served upon counsel for defendant by facsimile, personal delivery, or overnight mail within 5 days of receipt.

Dated:

By: _____

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OPRA | New Jersey
Open Public Records Act

OPRA central

state of new jersey

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The following Request for Information has been forwarded to the
Commissioner's Office in the **Department of Community Affairs**.

Your confirmation number is **W78596**. Please write this number down or print this page as a reference.

Requestor Information

Payment Information

First Name	MI	Last Name		
David		Rammler		
Company				
Fair Share Housing Center				
Mailing Address				
510 Park Blvd.				
City		State	ZIP	
Cherry Hill		New Jersey	08002 -	
Email				
davidrammler@fairsharehousing.org				
Day Time Telephone:	Area Code	Number	Extension	
	856	665 - 5444		
Preferred Delivery: E-Mail				
Under penalty of N.J.S.A. 2C:28-3, I certify that I Have Not been convicted of any indictable offense under the laws of New Jersey, or any other state, or in United States.				
Record Request Information:				
Fair Share Housing Center makes this request to the New Jersey Department of Community Affairs, pursuant to the New Jersey Open Public Records Act, the common law right to know of New Jersey, Governor Christie's Executive Order 125 (which requires "In order to ensure transparency and integrity in the procurement process, the State Comptroller, in coordination with the Governor's Office of Recovery and Rebuilding and the New Jersey Office of Information Technology, shall make certain that all approved State contracts for the allocation and expenditure of federal reconstruction resources are made available to the public by posting such contracts on an appropriate State website" and that the "website shall also provide information to the public regarding available federal funding streams and funding criteria, the tracking of federal funding allotments, and contract vendor information"), and page 6-7 of the New Jersey Community Development Block Grant Disaster Recovery Action Plan (NJ Action Plan), approved by the United				

Maximum Authorized Cost:
\$ 200
Payment Method:
Check
Fees:
Letter Size @ \$0.05/page
Legal Size @ \$0.07/page
Electronic Records:
Electronic shall be provided free of charge, but agency may charge for cost of media, programming, clerical, supervisory assistance and/or substantial use of information technology.
Delivery:
Delivery / postage fees additional depending upon delivery type.
Additional Charges:
Additional may be charged if extraordinary time/effort required, depending upon request.

States Department of Housing and Urban Development on April 29, 2013, which states that "The New Jersey Office of the State Comptroller shall maintain a transparency website that will provide access to approved State contracts for the allocation and expenditure of federal reconstruction resources. The website also will provide information to the public regarding available federal funding streams and funding criteria, the tracking of federal funding allotments, and contract vendor information," in response to Title X. of the Disaster Relief Appropriations Act of 2013, Public Law 113-2, 127 STAT. 37, and the HUD Allocation Notice, 78 FR 14331, 14336-7, which requires CDBG-DR awardees to post all records requested herein on a "comprehensive Web sites regarding all disaster recovery activities" and to certify that they will "maintain comprehensive Web sites regarding all disaster recovery activities assisted with these funds." We seek both normal disclosure of these documents through OPRA and the common law right to know, and the additional remedies required by EO 125 and the Action Plan, namely posting of all of these records on the State Comptroller's website. We request all documents below as relate to the programs in Action Plan Sections a) 4.1.1, Homeowner reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, b) the Incentive Program (sometimes called the 4.1.2 Homeowner Resettlement Program), and/or c) the 4.2.2 Fund for Rehabilitation of Small Rental Properties: 1) Copies of all documents, titled or which may be characterized as a manual, guidelines or other document provided to staff and management of Housing Recovery Centers instructing Housing Recovery Center staff and management in the performance of their scope of work and responsibilities with respect to each of the above identified recovery programs. 2) Copies of all documents describing the process by which Housing Recovery Center staff and management determine the eligibility of an applicant for each of the above identified recovery programs. 3) Copies of all documents provided to Housing Recovery Centers staff and management either by the State or by any contractor or sub-contractor of the State that instruct Housing Recovery Center staff and management on how to perform the tasks and make the determinations within their scope of work and responsibility related to the above identified programs. 4) Copies of all documents describing or defining what information Housing Recovery Center staff and management must give to any individual, household or business applicant for assistance to any and all of the above described programs in the event that: a) the applicant is determined to be eligible for assistance and b) the applicant is determined to be ineligible for assistance.

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Requestor Information

First Name	MI	Last Name		
David	T	Rammler		
Company				
Fair Share Housing Center				
Mailing Address				
510 Park Blvd.				
City	State	ZIP		
Cherry Hill	New Jersey	08002 -		
Email				
davidrammler@fairsharehousing.org				
Day Time Telephone:	Area Code	Number	Extension	
	856	665 - 5444		
Preferred Delivery: E-Mail				
Under penalty of N.J.S.A. 2C:28-3, I certify that I Have Not been convicted of any indictable offense under the laws of New Jersey, or any other state, or in United States.				
Record Request Information:				
[The following is a continuation of OPRA Request W78596 due to character limitations on online OPRA form. The same information at the beginning of that request on the nature of the request and applicable law applies to this request.] We request all documents below in 1) to 3) as relate to the programs in Action Plan Sections a) 4.1.1, Homeowner reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, b) the Incentive Program (sometimes called the 4.1.2 Homeowner Resettlement Program), and/or c) the 4.2.2 Fund for Rehabilitation of Small Rental Properties: 1) Copies of all documents that are provided, by Housing Recovery Center staff and management, to individual, household or business applicants for assistance to any and all of the above described programs the event that a) the applicant is determined to be eligible for assistance and b) the applicant is determined to be ineligible for assistance. 2) Copies of all documents describing or defining how an appeal is to be taken by an individual, household or business				

Payment Information

Maximum Authorized Cost:
\$ 200
Payment Method:
Check
Fees:
Letter Size @ \$0.05/page
Legal Size @ \$0.07/page
Electronic Records:
shall be provided free of charge, but agency may charge for cost of media, programming, clerical, supervisory assistance and/or substantial use of information technology.
Delivery:
Delivery / postage fees additional depending upon delivery type.
Additional Charges:
may be charged if extraordinary time/effort required, depending upon request.

that is dissatisfied with an eligibility or award determination made by Housing Recovery Center staff and Housing Recovery Center management or other agent of the State authorized to make such determination which a) are held internally by the State, any subdivision of the State, any contractor or sub-contractor of the State and b) given to the applicant. Please identify the source or originating entity for each document produced if not apparent on the face of the document. 3) Copies of all documents, including manuals, guidelines, or other documents provided to the entity that receives, assigns, adjudicates or otherwise takes or is authorized or instructed to take any action regarding appeals of either eligibility or amount of award with respect to any application for assistance by any individual, household or business for each of the above described programs. We also request: 4) The most current record(s) containing the information for CDBG-DR Action Plan programs Section 4.1.1 Homeowner Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program, Section 4.1.2 Homeowner Resettlement Program (sometimes referred to as the Incentive Program), Section 4.2.2 Fund for Rehabilitation of Small Rental Properties, Section 4.2.4.1 Project Based Incentive for Landlords to Provide Affordable Housing at the municipal level and also the census block level (and if that is not available, then at census tract level, and if that is not available then at zip code level) containing data on demographics of those assisted with first round funding for each program, including race, ethnicity, age, disability, and number of extremely-low, very-low, and low-income households, with: the number of applicants to each program, the number of and amount of grants made from each program, the number of applicants put on any wait list or similar status for each program, and the number of applicants rejected from each program. We will accept data with personal identification information redacted. 5) Copies of all documents created by the State or any contractor or sub-contractor of the State or transmitted to HUD regarding needs in response to the Action Plan statement that: "The State will continue to refine its unmet needs assessment as more data become available." (Sandy Recovery CDBG-DR Action Plan, Section 1. Introduction, p. 1-2.)

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