



April 7, 2025

C. F. Lawton

Via email: opra+request-73512-cc8b9b38@requests.opramachine.com

Re: OPRA Request: C231718

Dear C. F. Lawton:

The Agency received your Open Public Records Act (OPRA) request on March 17, 2025. The seven business day deadline to respond to your request is March 26, 2025. On March 25, 2025, we advised an extension of time was needed to fulfill your request. Your request was received as follows:

- “Brown Woods Apartments (HMFA #03530) (HMFA #1310 / HP#5)*
- Project and Program Document Checklists*
 - Application Documents (Sponsor Background, Formation Information, Narratives and Resumes, Board Actions)*
 - All Financial Documents (Financing, Commitments and Agreements, Loan Documents)*
 - Building Certificates of Occupancy*
 - Appraisals and Market Studies*
 - Construction Contracts, Management Documents/Package, HAP Contracts*
 - Final Mortgage Closeouts/Package*
 - HUD Approvals/DOCS.*
 - Tax Credit Requirements / LIHTC / 42M Letters”*

Please note the following with respect to your request:

A. You have requested that the Agency's response be provided by email. Please note that due to the size or number of documents responsive to your request, the response may require one or more subsequent emails. If the first email does not reflect all the documents referenced herein, please check for any follow-up emails. If not received, or if you are unable to open any attachment, please contact me immediately. Emails containing attachments totaling more than 5 MB may utilize a download link which will be generated and forwarded to you by LeapFILE, the Agency's file transfer service. If you receive a transfer confirmation from LeapFILE but do not receive the link or are unable to download the documents through the link, please contact me immediately.



B. With respect to your request for “Project ... Document Checklists”, please see the documents attached and listed below:

1. 1310 Checklists.zip

C. With respect to your request for “Program Document Checklists”, this request refers ambiguously to “program document checklists” without specifying particular records or documents and without identifying what the program that may apply. If a request does not name specifically identifiable records or is overly broad, a custodian may deny the request. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. Agencies are only obligated to disclose identifiable government records. See, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), The statute "only allows requests for records, not requests for information." Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). A proper request "must identify with reasonable clarity those documents that are desired." *Ibid*. When a request is “complex” because it fails to specifically identify the documents sought, that request is not consistent with OPRA. See, New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007). A valid OPRA request must identify with reasonable clarity those documents that are desired. See, Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research, anticipate what the requestor may be seeking, nor to create new records in response to an OPRA request.

D. With respect to your request for “Application Documents”, this request refers ambiguously to a category of records without specifying particular records or documents. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. See item C, *supra*. To the extent this item identifies specific records (i.e. Sponsor Background, Formation Information, Narratives and Resumes, Board Actions), please see the documents attached and listed below:

1. Application documents.zip

E. With respect to your request for “All Financial Documents”, this request refers ambiguously to a category of records without specifying particular records or documents. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. See item C, *supra*. To the extent this item identifies specific records (i.e. Financing, Commitments Financial and Loan Documents), please see the documents attached and listed below:

1. 1310 Financial and Loan docs



F. With respect to your request for “Building Certificates of Occupancy”, no records matching that description were located.

G. With respect to your request for “Appraisals and Market Studies”, please see Redaction Log C231719, attached. Additional appraisal and market study documents may have been included in the project’s LIHTC application, but such records are exempt in their entirety as noted in the redaction log.

H. With respect to your request for “... Management Documents/Package”, this request refers ambiguously to a category of records without specifying particular records or documents or a particular timeframe. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. See item C, *supra*. To the extent this item identifies specific records (i.e. Construction Contracts ... HAP Contracts”), please see the documents attached and listed below:

1. Construction contracts - management docs - HAP contracts.zip

I. With respect to your request for “Final Mortgage Closeouts/Package”, this request refers ambiguously to a category of records without specifying particular records or documents. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. See item C, *supra*.

J. With respect to your request for “HUD Approvals” and “HUD... /DOCS”, this request refers ambiguously to a category of records without specifying particular records or documents. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. See item C, *supra*. However, the following documents may be responsive to your request:

1. HUD docs.zip

K. With respect to your request for “Tax Credit Requirements / LIHTC / 42M Letters”, this request refers ambiguously to a category of records without specifying particular records or documents or a particular timeframe. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. See item C, *supra*. To the extent this item identifies specific records (i.e. 42M Letters”), please see the documents attached and listed below:

1. Tax Credit 42 M Letter
2. 1310 Tax Credit Reservation Letter



HOUSING & MORTGAGE FINANCE AGENCY

Jacquelyn A. Suárez | Chair • Melanie R. Walter | Executive Director

The Agency reserves the right to raise any other grounds for denial not raised in this response. Failure of the Agency to assert an exemption or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Records Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. See Paff v. Twp. of Plainsboro, A-2122-05T2 (App. Div. 2007), affirming, Paff v. Township of Plainsboro, GRC Complaint No. 2005-29 (March 2006). If your request for access to a government record has been denied or unfilled within the seven business day period, you have a right to challenge the decision by the Agency to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us or at their web site at www.state.nj.us/grc.

Sincerely,

Peter Yasenchak
OPRA Custodian
Division of Regulatory Affairs
609-278-8803
pyasenchak@njhmfa.gov