



RESOLUTION of the LINDEN HOUSING AUTHORITY  
Board Meeting Date: March 11, 2026

**RESOLUTION NO. 2026-03-11-03**

**Urging Legislative Action for Transparency Compliance**

WHEREAS, the Housing Authority of the City of Linden ("Authority") is a public body corporate and politic organized and existing pursuant to the Local Housing Authorities Law, N.J.S.A. 55:14A-1 et seq.; and

WHEREAS, as a public agency, the Authority is expressly subject to the New Jersey Open Public Meetings Act ("OPMA"), N.J.S.A. 10:4-6 et seq., and the New Jersey Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq.; and

WHEREAS, the Authority is entrusted with the administration and oversight of federal, state, and local housing programs and with the stewardship of substantial public funds for the benefit of low-income individuals, families, seniors, and persons with disabilities; and

WHEREAS, the Legislature of the State of New Jersey has declared that transparency, accountability, and public participation in governmental decision-making are fundamental principles of democratic governance, and that the public's right to attend meetings and access public records is essential to maintaining confidence in public institutions; and

WHEREAS, OPMA expressly provides that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision-making of public bodies, is vital to the enhancement and proper functioning of the democratic process," N.J.S.A. 10:4-7; and

WHEREAS, OPRA further declares that "government records shall be readily accessible for inspection, copying, or examination by the citizens of this State," subject only to limited exceptions, N.J.S.A. 47:1A-1; and

WHEREAS, throughout the State of New Jersey, numerous non-profit entities, including but not limited to corporations organized pursuant to Title 15A of the New Jersey Statutes, operate housing developments, administer housing programs, or otherwise provide housing to low-income and/or disabled individuals and families; and



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WHEREAS, many such non-profit entities receive substantial federal housing assistance, including Housing Assistance Payments ("HAP") under the Section 8 Housing Choice Voucher Program, Section 8 project-based vouchers, capital funds, operating subsidies, or other federal housing monies; and

WHEREAS, despite performing functions that are governmental in nature and being substantially supported by public funds, many such non-profit housing providers are not presently subject to OPMA or OPRA and therefore operate without meaningful public oversight; and

WHEREAS, as a result, critical decisions affecting vulnerable populations, the expenditure of public funds, housing quality, tenant rights, and long-term community impacts may be made outside of public view, without access to meetings, records, or transparent governance; and

WHEREAS, the Authority believes that entities which operate housing programs for low-income and/or disabled residents using federal housing funds perform a public function comparable to that of local housing authorities, redevelopment agencies, and other public bodies; and

WHEREAS, the Authority further believes that transparency and accountability requirements should follow the public funding and public purpose of such housing programs, regardless of the corporate form of the entity administering them; and

WHEREAS, extending OPMA and OPRA obligations, or substantially equivalent transparency requirements, to such non-profit housing providers would enhance public confidence, deter mismanagement, promote responsible stewardship of public funds, and protect the interests of residents and taxpayers; and

WHEREAS, the Authority recognizes that the Legislature of the State of New Jersey possesses the authority to define the scope and applicability of OPMA and OPRA and to determine when private or quasi-private entities should be deemed subject to public transparency laws based upon their functions, funding sources, or degree of governmental involvement;

NOW, THEREFORE, BE IT RESOLVED by the Housing Authority of the City of Linden, in the County of Union, State of New Jersey, that:



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1. The Authority respectfully urges the New Jersey Legislature to consider and enact legislation requiring any non-profit entity that: a. operates housing for low-income and/or disabled individuals or families; and b. receives federal housing assistance, including Housing Assistance Payments (HAP) or other federal housing subsidies, to comply with the New Jersey Open Public Meetings Act and the New Jersey Open Public Records Act, or with substantially equivalent transparency requirements.
2. Such legislation should ensure that the public, residents, and other affected stakeholders have reasonable access to governing-body meetings at which policies, budgets, contracts, and housing-related decisions are made, and to records relating to the expenditure of public funds and the administration of housing programs.
3. The Authority affirms that transparency and accountability are essential safeguards when public funds are used to provide housing for vulnerable populations and are necessary to maintain public trust in housing programs and institutions.
4. The Chair and Executive Director of the Authority are hereby authorized and directed to transmit certified copies of this Resolution to the Governor of the State of New Jersey, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the members of the Union County legislative delegation, and the New Jersey Department of Community Affairs.
5. This Resolution shall take effect immediately upon adoption.

### **CERTIFICATION**

I, Marlene Berghammer, the duly appointed and qualified Secretary of the Board of Commissioners of the Housing Authority of the City of Linden, hereby certify that the foregoing resolution was adopted by the Board of Commissioners of the Housing Authority of the City of Linden at a meeting held on February 11, 2026, in compliance with the Open Public Meetings Act and recorded in the official minutes of the Authority.



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Board Secretary

Marlene Berghammer

Dated: 03/11/2026

Approved as to form:

/s/ Daniel Antonelli

Daniel Antonelli, Esq.,

Housing Authority Counsel

Roll Call:

COMMISSIONER	MOTION/ SECOND	YES	NO	ABSTAIN	ABSENT
SHERI HUMPHREY			X		
SHARON BACOT		X			
MICHAEL LAPOLLA, CHAIR		X			
GARY MANNUZZA	motion	X			
AURORA COPSY	second	X			
YVONNE BOYD		X			