

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 2792, 4370 and 2489

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

ADOPTED FEBRUARY 10, 2025

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman JOHN ALLEN**

**District 32 (Hudson)**

**Assemblywoman JESSICA RAMIREZ**

**District 32 (Hudson)**

**Co-Sponsored by:**

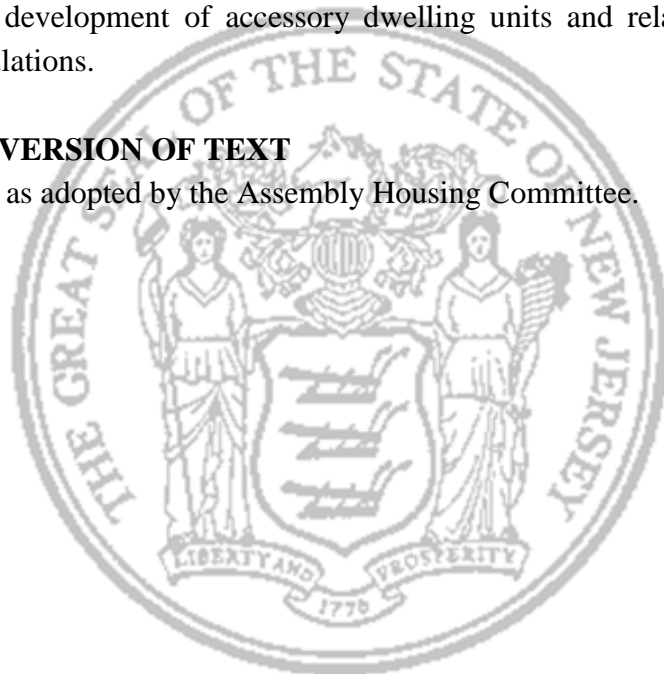
**Assemblymen Sampson, Schaer and Karabinchak**

**SYNOPSIS**

Concerns development of accessory dwelling units and related municipal land use regulations.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Housing Committee.



(Sponsorship Updated As Of: 3/24/2025)

1 AN ACT concerning accessory dwelling units and supplementing  
2 P.L.1975, c.291 (C.40:55D-1 et seq.) and P.L.1993, c.30  
3 (C.45:22A-43 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

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

9 (1) Accessory dwelling units are a valuable form of housing and  
10 present a way to expand the State's housing supply that is both cost-  
11 effective and consistent with sound planning and environmental  
12 principles.

13 (2) Accessory dwelling units provide housing for family  
14 members, the elderly, in-home health care providers, individuals  
15 with disabilities, and others, often at below-market prices within  
16 existing neighborhoods with little to no cost to municipalities.

17 (3) Homeowners who develop accessory dwelling units can  
18 benefit from added income and an increased sense of security.

19 (4) Allowing accessory dwelling units in single-family and two-  
20 family residential zones will make it possible to expand New  
21 Jersey's rental housing stock, and meet current and future housing  
22 demand.

23 (5) Accessory dwelling units offer low-cost housing within  
24 existing neighborhoods while maintaining the architectural  
25 character of a neighborhood.

26 (6) Accessory dwelling units should, therefore, be considered an  
27 essential component of New Jersey's housing supply.

28 b. It is the intent of the Legislature that municipal land use  
29 regulations shall provide for the creation of accessory dwelling  
30 units consistent with the provisions of P.L. , c. (C. )  
31 (pending before the Legislature as this bill), and that no provision  
32 of a regulation shall restrict the ability of a property owner to  
33 develop an accessory dwelling unit consistent with the provisions of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill).  
35

36 2. As used in P.L. , c. (C. ) (pending before the  
37 Legislature as this bill):

38 "Accessory dwelling unit" means a secondary dwelling unit that:

39 a. is attached or detached, or located within or appurtenant to a  
40 permitted principal dwelling unit or single-family dwelling unit of  
41 greater square footage;

42 b. is located on the same lot as a permitted principal dwelling  
43 unit; and

44 c. has facilities and provisions for independent living, including  
45 space for sleeping, food preparation, and sanitation.

46 "Accessory structure" means a structure that is accessory and  
47 incidental to a dwelling located on the same lot.

1 "Applicant" means a developer or homeowner submitting an  
2 application for development of an accessory dwelling unit.

3 "Buildable area" means that area within the rear yard of a lot on  
4 which a principal dwelling unit is located that is beyond a five-foot  
5 setback line from the side and rear property lines.

6 "Commissioner" means the Commissioner of Community  
7 Affairs.

8 "Department" means the Department of Community Affairs.

9 "Principal dwelling unit" means a single-family or two-family  
10 dwelling proposed or existing on a residential lot, except that a  
11 "principal dwelling unit" shall not mean a townhouse unit on an  
12 individual lot.

13 "Single-family dwelling" means any structure that contains a  
14 single-family dwelling unit on an individual lot, including  
15 structures that are attached to other single-family dwellings with a  
16 common party wall commonly known as "semi-detached" houses,  
17 "row houses" or "townhouses."

18 "Tandem parking" means parking two or more automobiles on a  
19 driveway or another location on a lot, aligned so that one  
20 automobile is parked immediately behind the other.

21 "Two-family dwelling" means any structure that contains two  
22 separate dwelling units on an individual lot, whether separated  
23 horizontally or vertically.

24

25 3. a. A municipality shall adopt one of the model land use  
26 ordinances prescribed by the Commissioner of Community Affairs  
27 pursuant section 6 of P.L. , c. (C. ) (pending before the  
28 Legislature as this bill), in a manner consistent with the standards  
29 and procedures set forth in P.L. , c. (C. ) (pending before  
30 the Legislature as this bill).

31 b. (1) A municipality that adopts land use regulations  
32 concerning accessory dwelling units pursuant to the provisions of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill),  
34 which are not identical to one of the two model ordinances  
35 promulgated by the commissioner pursuant to section 6 of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill), except as  
37 to technical distinctions necessary for the adoption of the municipal  
38 land use regulations, shall submit the land use regulations to the  
39 Department of Community Affairs within 60 days of the date of  
40 adoption of the regulations.

41 (2) The Department of Community Affairs shall review land use  
42 regulations concerning accessory dwelling units that a municipality  
43 submits pursuant to paragraph (1) of this subsection, and shall  
44 notify the municipality, within 60 days of the date the department  
45 receives a municipality's land use regulations, of any provision in  
46 the regulations that do not comply with the provisions and intent of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill).  
48 If the department does not notify a municipality that a provision of

1 its land use regulations do not comply with the provisions and  
2 intent of P.L. , c. (C. ) (pending before the Legislature as  
3 this bill) within 60 days of the date the department receives a  
4 municipality's land use regulations, the regulations shall be deemed  
5 approved.

6 (3) Within 90 days of the date a municipality receives notice of  
7 the department's determination that a provision of the  
8 municipality's land use regulations does not comply with the  
9 provisions and intent of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill), the municipality shall either:

11 (a) amend the regulations to conform them with the provisions  
12 and intent of P.L. , c. (C. ) (pending before the Legislature  
13 as this bill); or

14 (b) respond to the departmental notice by setting forth the  
15 municipality's reasons why its regulations do not comply with the  
16 provisions and intent of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill), and requesting the department to approve  
18 the municipal regulations.

19 (4) The department shall review any response from a  
20 municipality, giving full consideration to the specific environmental  
21 and other conditions affecting that municipality as well as the intent  
22 of P.L. , c. (C. ) (pending before the Legislature as this  
23 bill), and shall notify the municipality either:

24 (a) that the municipality may retain all or some part of its land  
25 use regulations; or

26 (b) that the municipality is required to amend provisions of its  
27 land use regulations to be consistent with the provisions and intent  
28 of P.L. , c. (C. ) (pending before the Legislature as this  
29 bill).

30 (5) Within 60 days of the date of receipt of the department's  
31 notice pursuant to subparagraph (b) of paragraph (4) of this  
32 subsection, a municipality shall amend its regulations as may be  
33 required by the department pursuant to subparagraph (b) of  
34 paragraph (4) of this subsection.

35 (6) If a municipality does not approve an application to develop  
36 an accessory dwelling unit, or imposes conditions on the approval  
37 of an application to develop an accessory dwelling unit, the  
38 applicant may appeal the decision to the commissioner. If the  
39 commissioner determines that the municipality's reasons for  
40 withholding approval or imposing conditions on the approval of an  
41 application to develop an accessory dwelling unit are inconsistent  
42 with the provisions of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill), notwithstanding whether the municipal  
44 ordinance was approved as a result of inaction by the department as  
45 set forth in paragraph (2) of this subsection, the commissioner shall  
46 approve the application, and shall levy the cost of the proceedings,  
47 including the applicant's legal expenses, if any, against the  
48 municipality. In the event of a subsequent judicial appeal of the

1 commissioner's decision, the court shall apply the same standard of  
2 review as set forth in this subsection for the commissioner's  
3 decision on an appeal.

4 (7) The department may adopt rules and regulations pursuant to  
5 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
6 seq.) for the purpose of clarifying or supplementing any of the  
7 terms, standards, or procedures set forth in P.L. , c. (C. )  
8 (pending before the Legislature as this bill).

9  
10 4. a. (1) An application to develop an accessory dwelling unit  
11 shall be considered and approved by a municipality as a ministerial  
12 action without a public hearing, and without review beyond what is  
13 necessary to determine compliance with the provisions of P.L. , c.  
14 (C. ) (pending before the Legislature as this bill).

15 (2) A municipal agency shall provide an applicant with a  
16 decision on an application to develop an accessory dwelling unit on  
17 a lot that contains an existing or proposed single-family or two-  
18 family dwelling within 60 days of the date the applicant submits a  
19 complete application.

20 (3) Unless an applicant agrees to toll the 60-day time period  
21 allowed for a municipal agency to render a decision on an  
22 application pursuant to paragraph (2) of this subsection, if the  
23 municipal agency does not act upon a complete application within  
24 the 60-day time period, the application shall be deemed approved.  
25 A municipal agency may charge a reasonable fee to cover the costs  
26 associated with reviewing and approving an application to develop  
27 an accessory dwelling unit.

28 (4) If an application to develop an accessory dwelling unit is  
29 submitted together with an application to develop a new single-  
30 family dwelling on the same lot, upon the applicant's request, both  
31 applications shall be considered and acted upon by the appropriate  
32 approving authority as a single application. An approval of an  
33 application to develop an accessory dwelling unit that is submitted  
34 together with an application to develop a new single-family  
35 dwelling on the same lot shall not impose conditions on approval of  
36 the accessory dwelling unit beyond those necessary to comply with  
37 the provisions of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), or with municipal land use regulations that  
39 are consistent with those provisions.

40 b. A municipality shall not interpret or apply a provision of any  
41 other municipal ordinance, policy, or regulation to unduly or  
42 maliciously delay or deny approval of an application to develop an  
43 accessory dwelling unit.

44 c. A municipality shall not condition approval of an application  
45 to develop an accessory dwelling unit upon the correction of a  
46 nonconforming zoning condition.

1        5. a. (1) An association formed for the management of common  
2 elements and facilities of a planned real estate development,  
3 regardless of whether organized pursuant to section 1 of P.L.1993,  
4 c.30 (C.45:22A-43), shall not, after the effective date of P.L.     , c.  
5 (C.     ) (pending before the Legislature as this bill), adopt or  
6 enforce a restriction, covenant, bylaw, rule, regulation, master deed  
7 provision, or provision of a governing document prohibiting or  
8 unreasonably restricting the development or use of an accessory  
9 dwelling unit on a lot zoned for single-family residential use if the  
10 proposed accessory dwelling unit is consistent with the  
11 requirements of P.L.     , c.     (C.     ) (pending before the  
12 Legislature as this bill).

13        (2) Any covenant, restriction, or condition contained in a deed,  
14 contract, security instrument, or other instrument affecting the  
15 transfer or sale of any interest in a planned real estate development,  
16 and any provision of a master deed, bylaw, or other governing  
17 document that either prohibits or unreasonably restricts the  
18 development or use of an accessory dwelling unit on a lot zoned for  
19 single-family or two-family residential use, is void and  
20 unenforceable if the proposed accessory dwelling unit is consistent  
21 with the requirements of P.L.     , c.     (C.     ) (pending before the  
22 Legislature as this bill).

23        b. An association may impose design or landscaping conditions  
24 on the development of an accessory dwelling unit if the conditions:

25        (1) are not in excess of conditions generally imposed within the  
26 planned real estate development; and

27        (2) do not unreasonably increase the cost to construct, do not  
28 effectively prohibit the construction of, and do not extinguish the  
29 ability to otherwise construct, an accessory dwelling unit consistent  
30 with the provisions of P.L.     , c.     (C.     ) (pending before the  
31 Legislature as this bill).

32

33        6. The Commissioner of Community Affairs shall, in accordance  
34 with the "Administrative Procedure Act," P.L.1968, c.410  
35 (C.52:14B-1 et seq.), adopt rules and regulations as necessary to  
36 implement the provisions of P.L.     , c.     (C.     ) (pending before  
37 the Legislature as this bill), which shall include but not be limited  
38 to:

39        a. The promulgation of two model ordinances as provided in  
40 subsections b. and c. of this section. Each municipality shall  
41 promulgate one of the two model ordinances to regulate accessory  
42 dwelling units in the municipality. A municipal ordinance adopted  
43 to fulfill the requirements of this subsection shall be in identical  
44 form to a model ordinance, except as to technical distinctions  
45 necessary for the adoption of the municipal land use regulations, or  
46 as to municipal land use regulations that are approved by the  
47 commissioner pursuant to subsection b. of section 3 of P.L.     , c.  
48 (C.     ) (pending before the Legislature as this bill).

1        b. The commissioner shall promulgate the first of the two model  
2 ordinances required pursuant to subsection a. of this section, which  
3 shall be published on the department's Internet website and shall  
4 conform to the following requirements:

5        (1) The model ordinance shall provide that an accessory  
6 dwelling unit shall be permitted on a lot that contains a single-  
7 family dwelling, and an individual shall be authorized to develop an  
8 accessory dwelling unit on a lot owned by the person and located  
9 within an area meeting the requirements of paragraph (3) of this  
10 subsection, in a manner consistent with the standards and  
11 procedures set forth in P.L. , c. (C. ) (pending before the  
12 Legislature as this bill).

13        (2) The model ordinance shall provide municipal discretion to  
14 require a principal dwelling unit with an accessory dwelling unit to  
15 be subject to the same dimensional controls and other controls,  
16 except for residential density controls, as are required for the same  
17 principal dwelling unit without the accessory dwelling unit, as long  
18 as such restrictions do not prohibit the construction of an accessory  
19 dwelling unit on any individual lot that contains a single-family  
20 dwelling.

21        (3) The model ordinance shall provide that an accessory  
22 dwelling unit is a permitted use as of right on a lot if a principal  
23 dwelling unit exists or is being proposed on the lot, and the lot is  
24 located within a zone in which a single-family dwelling or a two-  
25 family dwelling is permitted under the municipal land use  
26 regulations.

27        (4) The model ordinance shall not require:

28        (a) a passageway between an accessory dwelling unit and a  
29 principal dwelling unit;

30        (b) any more than one parking space for an accessory dwelling  
31 unit; existing and available on-street parking shall satisfy this  
32 requirement; no parking space shall be required if the accessory  
33 dwelling unit is located within one half-mile of public  
34 transportation service;

35        (c) a familial, marital, or employment relationship between  
36 occupants of a principal dwelling unit and an accessory dwelling  
37 unit;

38        (d) a minimum age requirement for occupants of an accessory  
39 dwelling unit, except that nothing in P.L. , c. (C. ) (pending  
40 before the Legislature as this bill) shall be construed as superseding  
41 the federal exemptions provided pursuant to 24 C.F.R. 100.301 or  
42 any successor federal regulations;

43        (e) a separate billing of utilities otherwise connected to, or used  
44 by, the principal dwelling unit;

45        (f) a minimum floor area for any dwelling unit that is greater  
46 than the minimum floor area set pursuant to the "State Uniform  
47 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.)  
48 and any regulations adopted thereafter; or

- 1 (g) periodic renewals for permits for accessory dwelling units;
- 2 (5) The model ordinance shall provide that nothing in the model  
3 ordinance shall exempt an accessory dwelling unit from:
- 4 (a) applicable building code requirements pursuant to the "State  
5 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119  
6 et seq.);
- 7 (b) the ability of a municipality to prohibit or limit the use of an  
8 accessory dwelling unit for short-term rentals or vacation stays; or
- 9 (c) sewerage system related requirements where a private  
10 sewerage system is being used, provided that approval for an  
11 accessory dwelling unit shall not be unreasonably withheld.
- 12 (6) (a) For an accessory dwelling unit created within an existing  
13 principal dwelling unit, or as an extension onto an existing principal  
14 dwelling unit, the model ordinance shall provide that the applicant  
15 shall not be required to install a new or separate utility connection  
16 directly between the accessory dwelling unit and the utility or  
17 impose a related connection fee or capacity charge, unless the  
18 accessory dwelling unit was constructed together with a new single-  
19 family dwelling.
- 20 (b) For an accessory dwelling unit that is created as a separate  
21 structure that is not part of an existing principal dwelling unit, the  
22 model ordinance shall provide that the applicant may be required to  
23 install a new or separate utility connection directly between the  
24 accessory dwelling unit and the utility, in which case the connection  
25 may be subject to a connection fee or capacity charge that shall be  
26 no more than half the fee charged for a new principal dwelling unit  
27 and that shall not exceed the reasonable cost of providing this  
28 service.
- 29 (7) The model ordinance shall provide that if a garage or other  
30 covered parking structure or any parking space within the structure  
31 is removed in conjunction with the construction of an accessory  
32 dwelling unit or converted to an accessory dwelling unit, that the  
33 off-street parking spaces shall not be required to be replaced.
- 34 (8) The model ordinance shall provide that a municipal agency  
35 shall not approve an application to develop an accessory dwelling  
36 unit on a parcel of property unless the applicant is the owner-  
37 occupant of an existing or proposed principal dwelling unit on the  
38 property.
- 39 (9) The model ordinance shall not impose additional standards  
40 beyond those provided for in P.L. , c. (C. ) (pending before  
41 the Legislature as this bill) related to the regulation of accessory  
42 dwelling units.
- 43 c. The commissioner shall promulgate the second of the two  
44 model ordinances required pursuant to subsection a. of this section,  
45 which shall be published on the department's Internet website and  
46 shall conform to the following requirements:
- 47 (1) The model ordinance shall provide that an individual shall be  
48 permitted to develop one or more accessory dwelling units on a lot



1 owned by the person, and located within an area meeting the  
2 requirements of this subsection, in a manner consistent with the  
3 standards and procedures set forth in P.L. , c. (C. ) (pending  
4 before the Legislature as this bill).

5 (2) Except as otherwise provided by paragraph (9) of this  
6 subsection:

7 (a) the model ordinance shall provide that an accessory dwelling  
8 unit is a permitted use as of right on a lot if a principal dwelling  
9 unit exists or is being proposed on the lot, and the lot is located  
10 within a zone in which a single-family dwelling or a two-family  
11 dwelling is permitted under the municipal land use regulations for  
12 the municipality in which the accessory dwelling unit is located;  
13 and

14 (b) the model ordinance shall offer discretion to a municipality  
15 to require a principal dwelling unit with an accessory dwelling unit  
16 to be subject to the same dimensional controls and other controls,  
17 except for residential density controls, as are required for the same  
18 principal dwelling unit without the accessory dwelling unit, as long  
19 as such restrictions do not prohibit the construction of an accessory  
20 dwelling unit on any individual lot that contains a single-family  
21 dwelling.

22 (3) The model ordinance shall provide that a provision of a  
23 municipal land use regulation that is in place on the effective date  
24 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
25 but fails to comply with the requirements of P.L. , c. (C. )  
26 (pending before the Legislature as this bill), shall be null, void, and  
27 unenforceable.

28 (4) The model ordinance shall provide that an accessory  
29 dwelling unit may be either located within or attached to the  
30 proposed or existing principal dwelling unit or to a proposed or  
31 existing garage or other accessory structure, or detached from the  
32 proposed or existing principal dwelling unit but located on the same  
33 lot as the proposed or existing principal dwelling unit. The model  
34 ordinance shall specify that a passageway between the principal  
35 dwelling unit and a detached accessory structure shall not be  
36 required.

37 (5) The model ordinance shall provide that an accessory  
38 dwelling unit may be rented separately from the principal dwelling  
39 unit, but shall not be sold or otherwise conveyed separately from  
40 the principal dwelling unit.

41 (6) The model ordinance shall not prohibit an applicant from  
42 seeking approval to develop an accessory dwelling unit, either  
43 simultaneously with or separately from the development of a  
44 principal dwelling unit.

45 (7) The model ordinance shall provide the following standards  
46 for accessory dwelling units:

47 (a) The minimum floor area requirement, if any, shall be no  
48 greater than 300 square feet.

- 1 (b) The maximum floor area requirement, if any, shall be no  
2 smaller than 1,200 square feet, except as otherwise provided in  
3 paragraph (16) of this subsection.
- 4 (c) The maximum height requirement, if any, shall be no less  
5 than 20 feet.
- 6 (d) A developer shall not be required to install fire sprinklers in  
7 an accessory dwelling unit if there is no requirement to install fire  
8 sprinklers in the principal dwelling unit.
- 9 (e) (i) There shall be no setback requirements for any accessory  
10 dwelling unit that is located within an existing structure or a  
11 structure constructed in the same location and to the same  
12 dimensions as an existing structure being converted to an accessory  
13 dwelling unit.
- 14 (ii) There shall be no more than a five-foot sideyard and  
15 rearyard setback requirement for any other accessory dwelling unit.
- 16 (f) An accessory dwelling unit shall provide direct exterior  
17 access separate from the direct exterior access for the principal  
18 dwelling unit.
- 19 (g) Parking requirements for accessory dwelling units shall not  
20 exceed one parking space per accessory dwelling unit, which may  
21 be provided as tandem parking.
- 22 (h) If a garage or other covered parking structure or any parking  
23 space within such structure is removed in conjunction with the  
24 construction of an accessory dwelling unit or converted to an  
25 accessory dwelling unit, that the off-street parking spaces shall not  
26 be required to be replaced.
- 27 (8) The model ordinance shall provide that any provision of a  
28 municipal land use regulation that does not comply with the  
29 provisions of this subsection shall be void and shall not be enforced  
30 by a municipal agency.
- 31 (9) The model ordinance shall permit the rejection of an  
32 application to develop an accessory dwelling unit if either:
- 33 (a) the proposed site is located within an area in which there  
34 exists insufficient public sewer or water service, and within which  
35 there exists severe constraints on the use of wells and septic tanks,  
36 as determined by a competent authority, so to render the addition of  
37 a dwelling unit hazardous to the public health; or
- 38 (b) the proposed site is located on a lot so small that an 800  
39 square foot structure cannot be reasonably accommodated without  
40 violating the minimum sideyard or rearyard setback requirements of  
41 subparagraph (e) of paragraph (7) of this section.
- 42 (10) The model ordinance may allow a municipality to establish  
43 reasonable landscaping standards for detached accessory dwelling  
44 units.
- 45 (11) The model ordinance may allow a municipality to impose  
46 architectural review requirements for an application proposing to  
47 develop an accessory dwelling unit within an area designated as a  
48 historic district by a competent state or local authority, if the

1 proposed development requires either new construction or exterior  
2 modification of an existing structure.

3 (12) The model ordinance may allow a municipality to reduce or  
4 eliminate off-street parking requirements imposed upon the  
5 development of an accessory dwelling unit otherwise applicable  
6 under municipal land use regulation or Statewide site improvement  
7 standards adopted pursuant to section 4 of P.L.1993, c.32  
8 (C.40:55D-40.4).

9 (13) The model ordinance shall provide that a municipal agency  
10 shall not approve an application to develop an accessory dwelling  
11 unit on a parcel of property unless the applicant is the owner-  
12 occupant of an existing or proposed principal dwelling unit on the  
13 property.

14 (14) The model ordinance shall provide municipal discretion to  
15 require that an accessory dwelling unit not be rented for a period of  
16 less than 30 days.

17 (15) The model ordinance may allow a municipality to provide  
18 that an accessory dwelling unit is a permitted use in zoning districts  
19 in addition to those required pursuant to paragraph 2 of this  
20 subsection, including but not limited to multifamily and mixed use  
21 districts.

22 (16) The model ordinance may allow a municipality to limit the  
23 maximum size of an accessory dwelling unit constructed separately  
24 from the principal dwelling unit to that square footage that is not in  
25 excess of 60 percent of the lot's buildable area.

26 (17) (a) For an accessory dwelling unit created within an  
27 existing principal dwelling unit, or as an extension onto an existing  
28 principal dwelling unit, the model ordinance shall provide that the  
29 applicant shall not be required to install a new or separate utility  
30 connection directly between the accessory dwelling unit and the  
31 utility or impose a related connection fee or capacity charge, unless  
32 the accessory dwelling unit was constructed together with a new  
33 single-family dwelling.

34 (b) For an accessory dwelling unit that is created as a separate  
35 structure that is not part of an existing principal dwelling unit, the  
36 model ordinance shall provide that the applicant may be required to  
37 install a new or separate utility connection directly between the  
38 accessory dwelling unit and the utility, in which case the connection  
39 may be subject to a connection fee or capacity charge that shall be  
40 no more than half the fee charged for a new principal dwelling unit  
41 and that shall not exceed the reasonable cost of providing this  
42 service.

43 (18) Nothing contained in the model ordinance shall supersede  
44 provisions of the State Uniform Construction Code, promulgated to  
45 effectuate the "State Uniform Construction Code Act," P.L.1975,  
46 c.217 (C.52:27D-119 et seq.), applicable to the construction of an  
47 accessory dwelling unit; provided, however, that with respect to an  
48 accessory dwelling unit or part thereof being constructed within an

1 existing principal dwelling unit, the provisions of the Rehabilitation  
2 Subcode adopted pursuant to section 5 of P.L.1975, c.217  
3 (C.52:27D-123) shall apply.

4 (19) A certificate of occupancy for an accessory dwelling unit  
5 shall not be issued before the issuance a certificate of occupancy for  
6 the principal dwelling unit.

7 d. Rules concerning the development of accessory dwelling  
8 units in an association formed for the management of common  
9 elements and facilities of a planned real estate development,  
10 regardless of whether organized pursuant to section 1 of P.L.1993,  
11 c.30 (C.45:22A-43), to:

12 (1) enforce and ensure compliance with the provisions of section  
13 5 of P.L. , c. (C. ) (pending before the Legislature as this  
14 bill);

15 (2) prescribe reasonable penalties for noncompliance with the  
16 provisions of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill);

18 (3) provide guidance to associations subject to this subsection  
19 concerning the requirements of the bill; and

20 (4) to ensure that any restriction, covenant, bylaw, rule,  
21 regulation, master deed provision, or provision of a governing  
22 document does not prohibit the development of accessory dwelling  
23 units, unreasonably restrict the development of accessory dwelling  
24 units, and is consistent with the provisions of P.L. , c. (C. )  
25 (pending before the Legislature as this bill).

26  
27 7. This act shall take effect on the first day of the sixth month  
28 next following the date of enactment, except that the commissioner  
29 shall be permitted to take anticipatory action necessary to effectuate  
30 the provisions of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill).