

# ASSEMBLY, No. 3310

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Requires certain local government community benefit agreements dedicate resources for affordable housing purposes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT requiring that certain community benefit agreements by  
2 local government units dedicate resources for affordable housing  
3 purposes and supplementing Title 40 of the Revised Statutes.  
4

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

8 1. a. Notwithstanding any provision of law to the contrary,  
9 beginning on the effective date of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill) the board of county  
11 commissioners shall not enter into any community benefits  
12 agreement as a result of which the county will receive a cash  
13 payment of \$100,000 or more, unless the agreement requires that 50  
14 percent or more of the cash payment be dedicated to affordable  
15 housing purposes within the county.

16 b. As used in this section:

17 "Affordable housing purposes" means the creation or  
18 rehabilitation of low income housing or moderate income housing  
19 as those terms are defined in section 4 of P.L.1985, c.222  
20 (C52:27D-304; and

21 "Community benefits agreement" means a binding legal  
22 agreement between the board of county commissioners and a  
23 developer of a commercial or residential project, and may also  
24 include other community stakeholders, under which the developer  
25 agrees to pay for or provide certain resources to accommodate and  
26 benefit local community interests. In exchange, for these  
27 community benefits, the board of county commissioners and other  
28 community stakeholders agree to approve or provide support for the  
29 developer's project.  
30

31 2. a. Notwithstanding any provision of law to the contrary,  
32 beginning on the effective date of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill) the governing body of any  
34 municipality shall not enter into any community benefits agreement  
35 as a result of which the municipality will receive a cash payment of  
36 \$100,000 or more, unless the agreement requires that 50 percent or  
37 more of the cash payment be dedicated to affordable housing  
38 purposes within the municipality.

39 b. As used in this section:

40 "Affordable housing purposes" means the creation or  
41 rehabilitation of low income housing or moderate income housing  
42 as those terms are defined in section 4 of P.L.1985, c.222  
43 (C52:27D-304; and

44 "Community benefits agreement" means a binding legal  
45 agreement between the governing body of a municipality and a  
46 developer of a commercial or residential project, and may also  
47 include other community stakeholders, under which the developer  
48 agrees to pay for or provide certain resources to accommodate and

1 benefit local community interests. In exchange, for these  
2 community benefits, the governing body of the municipality and  
3 other community stakeholders agree to approve or provide support  
4 for the developer's project.

5  
6 3. This act shall take effect immediately.

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9 STATEMENT

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11 This bill would prohibit county and municipal governing bodies  
12 from entering into certain "community benefits agreements" for  
13 large cash payments, unless the agreement requires that 50 percent  
14 or more of that cash payment be dedicated to affordable housing  
15 purposes within the local community. Affordable housing purposes  
16 under this bill would mean the creation or rehabilitation of low or  
17 moderate income housing as those terms are defined by the "Fair  
18 Housing Act." The bill defines a community benefit agreement as a  
19 binding legal agreement involving the governing body of a  
20 municipality or county and a developer of a commercial or  
21 residential project under which the developer agrees to pay for or  
22 provide certain resources to accommodate and benefit local  
23 community interests. In exchange, for these community benefits,  
24 the governing body of the local unit and other community  
25 stakeholders agree to approve or provide support for the developer's  
26 project.

27 Community benefits agreements can be an important and  
28 valuable tool for local government units and the communities which  
29 these local units serve. These agreements can provide funding for  
30 local services and benefits to the community, including, but not  
31 limited to, funding and other resources for infrastructure, housing,  
32 workforce training, and development. This bill would assure that  
33 when a large cash payment is realized by a local government as a  
34 result of an agreement, a substantial portion of such a monetary  
35 payment is utilized to address affordable housing needs within the  
36 community.