

§§3,6,7  
C.52:27D-304.1  
to 52:27D-304.3  
§§5,36  
C.52:27D-313.2  
and 52:27D-313.3  
§37  
Repealer  
§38  
Approp.  
§39  
Note to  
§§1-36

P.L. 2024, CHAPTER 2, *approved March 20, 2024*  
Assembly, No. 4 (*Second Reprint*)

1 AN ACT concerning affordable housing, including administration  
2 and municipal obligations, amending, supplementing, and  
3 repealing various parts of the statutory law, and making an  
4 appropriation.

5

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

8

9 1. Section 2 of P.L.1985, c.222 (C.52:27D-302) is amended to  
10 read as follows:

11 2. The Legislature finds that:

12 a. The New Jersey Supreme Court, through its rulings in **South**  
13 Southern Burlington County NAACP v. Mount Laurel, 67 N.J. 151  
14 (1975) and **South** Southern Burlington County NAACP v. Mount  
15 Laurel, 92 N.J. 158 (1983), has determined that every municipality in a  
16 growth area has a constitutional obligation to provide through its land  
17 use regulations a realistic opportunity for a fair share of its region's  
18 present and prospective needs for housing for **low and moderate**  
19 income **low- and moderate-income** families.

20 b. In the second Mount Laurel ruling, the Supreme Court stated  
21 that the determination of the methods for satisfying this constitutional  
22 obligation "is better left to the Legislature," that the court has "always  
23 preferred legislative to judicial action in their field," and that the  
24 judicial role in upholding the Mount Laurel doctrine "could decrease  
25 as a result of legislative and executive action."

26 c. The interest of all citizens, including **low and moderate**  
27 income **low- and moderate-income** families in need of affordable

**EXPLANATION** – Matter enclosed in bold-faced brackets **thus** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted February 8, 2024.

<sup>2</sup>Senate SBA committee amendments adopted March 11, 2024.

1 housing, and the needs of the workforce, would be best served by a  
2 comprehensive planning and implementation response to this  
3 constitutional obligation.

4 d. There are a number of essential ingredients to a comprehensive  
5 planning and implementation response, including the establishment of  
6 reasonable fair share housing guidelines and standards, the initial  
7 determination of fair share by officials at the municipal level and the  
8 preparation of a municipal housing element, State review of the local  
9 fair share study and housing element, and continuous State funding for  
10 **low and moderate income** low- and moderate-income housing to  
11 replace the federal housing subsidy programs which have been almost  
12 completely eliminated.

13 e. The State can maximize the number of **low and moderate**  
14 **income** low- and moderate-income units provided in New Jersey by  
15 allowing its municipalities to adopt appropriate phasing schedules for  
16 meeting their fair share, so long as the municipalities permit a timely  
17 achievement of an appropriate fair share of the regional need for **low**  
18 **and moderate income** low- and moderate-income housing as required  
19 by the Mt. Laurel I and II opinions and other relevant court decisions.

20 f. The State can also maximize the number of **low and moderate**  
21 **income** low- and moderate-income units by creating new affordable  
22 housing and by rehabilitating existing, but substandard, housing in the  
23 State. Because the Legislature has determined, pursuant to P.L.2008,  
24 c.46 (C.52:27D-329.1 et al.), that it is no longer appropriate or in  
25 harmony with the Mount Laurel doctrine to permit the transfer of the  
26 fair share obligations among municipalities within a housing region, it  
27 is necessary and appropriate to create a new program to create new  
28 affordable housing and to foster the rehabilitation of existing, but  
29 substandard, housing.

30 g. Since the urban areas are vitally important to the State,  
31 construction, conversion and rehabilitation of housing in our urban  
32 centers should be encouraged. However, the provision of housing in  
33 urban areas must be balanced with the need to provide housing  
34 throughout the State for the free mobility of citizens.

35 h. The Supreme Court of New Jersey in its Mount Laurel  
36 decisions demands that municipal land use regulations affirmatively  
37 afford a **reasonable** realistic opportunity for a variety and choice of  
38 housing including low and moderate cost housing, to meet the needs of  
39 people desiring to live there. While provision for the actual  
40 construction of that housing by municipalities is not required, they are  
41 encouraged but not mandated to expend their own resources to help  
42 provide **low and moderate income** low- and moderate-income  
43 housing.

44 i. **Certain** amendments to the enabling act of the Council on  
45 Affordable Housing are necessary to provide guidance to the council  
46 to ensure consistency with the legislative intent, while at the same time  
47 clarifying the limitations of the council in its rulemaking. Although

1 the court has remarked in several decisions that the Legislature has  
2 granted the council considerable deference in its rulemaking, the  
3 Legislature retains its power and obligation to clarify and amend the  
4 enabling act from which the council derives its rulemaking power,  
5 from time to time, in order to better guide the council.】 (Deleted by  
6 amendment, P.L. , c. ) (pending before the Legislature as this bill)

7 j. The Legislature finds that the use of regional contribution  
8 agreements, which permits municipalities to transfer a certain portion  
9 of their fair share housing obligation outside of the municipal borders,  
10 should no longer be utilized as a mechanism for the creation of  
11 affordable housing **【by the council】**.

12 k. The Legislature finds that the role of the Council on Affordable  
13 Housing, as intended in the original enactment of the "Fair Housing  
14 Act," has not developed in practice as was intended in the legislation.

15 l. The council's inability to function ultimately led the Supreme  
16 Court in 2015 to order the temporary dissolution of the requirement  
17 that administrative remedies be exhausted prior to resolving affordable  
18 housing disputes before the court, and allowed the courts to resume  
19 their role as the forum of first resort for evaluating municipal  
20 compliance with Mount Laurel obligations pursuant to guidelines laid  
21 out by the Supreme Court's order.

22 m. The Legislature finds that the council's inability to function led  
23 to a "gap period" that frustrated the intent of the Legislature and  
24 compliance with constitutional and statutory obligations, and that it is  
25 necessary to establish definitive deadlines for municipal action and  
26 any challenges to those actions to avoid such a "gap period" from  
27 being repeated in the future.

28 n. The Legislature finds that although the court-led system that has  
29 developed since 2015 has resulted in a significant number of  
30 settlement agreements and increased production of affordable housing,  
31 the system could operate more expeditiously to produce affordable  
32 housing, and at a lower cost to all parties, if appropriate standards are  
33 established by the Legislature to be applied throughout the State  
34 including more clarity on calculation on fair share affordable housing  
35 obligations using transparent and established data sources to eliminate  
36 the lengthy and costly processes of determining those obligations that  
37 have characterized both the Council on Affordable Housing and court-  
38 led system.

39 o. The Legislature determines that, considering the unique history  
40 of the "Fair Housing Act," the Council on Affordable Housing shall be  
41 abolished, and that, pursuant to the formulas and process established  
42 pursuant to sections 6 and 7 of P.L. , c. (C. and C. )  
43 (pending before the Legislature as this bill), a municipality shall be  
44 authorized to seek approval of its fair share affordable housing  
45 obligation, adopted pursuant to binding resolution and then filed with  
46 the court, with the guidance of calculations published by the  
47 Department of Community Affairs, but that advocates for the low- and

1 moderate-income households of the State shall be provided with an  
 2 opportunity to contest the municipal determination.

3 p. <sup>1</sup>The Legislature declares that the "Fair Housing Act,"  
 4 P.L.1985, c.222 (C.52:27D-301 et al.), as amended and supplemented  
 5 by P.L. , c. (C. ) (pending before the Legislature as this bill), is  
 6 intended to implement the Mount Laurel doctrine, and that  
 7 municipalities in compliance with the "Fair Housing Act," P.L.1985,  
 8 c.222 (C.52:27D-301 et al.) are also in compliance with the Mount  
 9 Laurel doctrine.

10 q.<sup>1</sup> The Legislature finds that the population of persons aged 65  
 11 years and older in the State has grown from approximately 13 percent  
 12 in 1990, to 17 percent in 2021, and that such growth, in conjunction  
 13 with expected future growth, makes it appropriate for the Legislature  
 14 to '【continue to】' allow up to '【25】 30' percent of the units towards a  
 15 municipality's prospective affordable housing obligation to be  
 16 satisfied through the creation of age-restricted housing.

17 <sup>2</sup>r. The "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.)  
 18 and the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.)  
 19 were enacted concurrently to address the ruling of the New Jersey  
 20 Supreme Court in Southern Burlington County NAACP v. Mount  
 21 Laurel, 92 N.J. 158 (1983) and associated land use planning concerns.

22 s. The Legislature, in amending and supplementing the "Fair  
 23 Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), intends to  
 24 facilitate comprehensive planning in alignment with smart growth  
 25 principles, and the State Development and Redevelopment Plan.

26 t. The Legislature declares that the changes made to affordable  
 27 housing methodologies, obligations, and fair share plans, as  
 28 determined to be a necessity by the Legislature, through the enactment  
 29 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
 30 are made with the intention of furthering consistency with the State  
 31 Development and Redevelopment Plan.<sup>2</sup>

32 (cf: P.L.2008, c.46, s.4)

33

34 2. Section 4 of P.L.1985, c.222 (C.52:27D-304) is amended to  
 35 read as follows:

36 4. As used in P.L.1985, c.222 (C.52:27D-301 et al.):

37 a. "Council" means the Council on Affordable Housing  
 38 established in P.L.1985, c.222 (C.52:27D-301 et al.), **【**which shall  
 39 have primary jurisdiction for the administration of housing obligations  
 40 in accordance with sound regional planning considerations in this  
 41 State**】** abolished pursuant to section 3 of P.L. , c. (C. )  
 42 (pending before the Legislature as this bill).

43 b. "Housing region" means a geographic area **【**of not less than  
 44 two nor more than four contiguous, whole counties which exhibit  
 45 significant social, economic and income similarities, and which  
 46 constitute to the greatest extent practicable the primary metropolitan  
 47 statistical areas as last defined by the United States Census Bureau

1 prior to the effective date of P.L.1985, c.222 (C.52:27D-301 et al.)  
2 established pursuant to subsection b. of section 6 of  
3 P.L. , c. (C. ) (pending before the Legislature as this bill).

4 c. **["Low income"]** "Low-income housing" means housing  
5 affordable according to federal Department of Housing and Urban  
6 Development or other recognized standards for home ownership and  
7 rental costs and occupied or reserved for occupancy by households  
8 with a gross household income equal to 50 percent or less of the  
9 median gross household income for households of the same size within  
10 the housing region in which the housing is located.

11 d. **["Moderate income"]** "Moderate-income housing" means  
12 housing affordable according to federal Department of Housing and  
13 Urban Development or other recognized standards for home ownership  
14 and rental costs and occupied or reserved for occupancy by households  
15 with a gross household income equal to more than 50 **[%]** percent but  
16 less than 80 percent of the median gross household income for  
17 households of the same size within the housing region in which the  
18 housing is located.

19 e. **["Resolution of participation"]** means a resolution adopted by a  
20 municipality in which the municipality chooses to prepare a fair share  
21 plan and housing element in accordance with P.L.1985, c.222  
22 (C.52:27D-301 et al.). **(Deleted by amendment, P.L. , c. )**  
23 (pending before the Legislature as this bill)

24 f. "Inclusionary development" means a residential housing  
25 development in which a substantial percentage of the housing units are  
26 provided for a reasonable income range of **[low and moderate**  
27 **income]** low- and moderate-income households.

28 g. "Conversion" means the conversion of existing commercial,  
29 industrial, or residential structures for **[low and moderate income]**  
30 low- and moderate-income housing purposes where a substantial  
31 percentage of the housing units are provided for a reasonable income  
32 range of **[low and moderate income]** low- and moderate-income  
33 households.

34 h. "Development" means any development for which permission  
35 may be required pursuant to the "Municipal Land Use Law," P.L.1975,  
36 c.291 (C.40:55D-1 et seq.).

37 i. "Agency" means the New Jersey Housing and Mortgage  
38 Finance Agency established by P.L.1983, c.530 (C.55:14K-1 et seq.).

39 j. "Prospective need" means a projection of housing needs based  
40 on development and growth which is reasonably likely to occur in a  
41 region or a municipality, as the case may be, as a result of actual  
42 determination of public and private entities. **[In determining**  
43 **prospective need, consideration shall be given to approvals of**  
44 **development applications, real property transfers, and economic**  
45 **projections prepared by the State Planning Commission established by**  
46 **sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)]**  
47 Prospective need shall be determined by the methodology set forth

1 pursuant to sections 6 and 7 of P.L. , c. (C. and C. )  
2 (pending before the Legislature as this bill) for the fourth round and all  
3 future rounds of housing obligations.

4 k. "Person with a disability" means a person with a physical  
5 disability, infirmity, malformation, or disfigurement which is caused  
6 by bodily injury, birth defect, aging, or illness including epilepsy and  
7 other seizure disorders, and which shall include, but not be limited to,  
8 any degree of paralysis, amputation, lack of physical coordination,  
9 blindness or visual impairment, deafness or hearing impairment, the  
10 inability to speak or a speech impairment, or physical reliance on a  
11 service animal, wheelchair, or other remedial appliance or device.

12 l. "Adaptable" means constructed in compliance with the  
13 technical design standards of the barrier free subcode adopted by the  
14 Commissioner of Community Affairs pursuant to the "State Uniform  
15 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and  
16 in accordance with the provisions of section 5 of P.L.2005, c.350  
17 (C.52:27D-123.15).

18 m. "Very **low income** low-income housing" means housing  
19 affordable according to federal Department of Housing and Urban  
20 Development or other recognized standards for home ownership and  
21 rental costs and occupied or reserved for occupancy by households  
22 with a gross household income equal to 30 percent or less of the  
23 median gross household income for households of the same size within  
24 the housing region in which the housing is located.

25 n. "Accessory dwelling unit" means a residential dwelling unit  
26 that provides complete independent living facilities with a private  
27 entrance for one or more persons, consisting of provisions for living,  
28 sleeping, eating, sanitation, and cooking, including a stove and  
29 refrigerator, and is located within a proposed or existing primary  
30 dwelling, within an existing or proposed structure that is accessory to a  
31 dwelling on the same lot, constructed in whole or part as an extension  
32 to a proposed or existing primary dwelling, or constructed as a  
33 separate detached structure on the same lot as the existing or proposed  
34 primary dwelling.

35 o. "Builder's remedy" means court imposed site-specific relief for  
36 a litigant who seeks to build affordable housing for which the court  
37 requires a municipality to utilize zoning techniques such as mandatory  
38 set-asides or density bonuses, including techniques which provide for  
39 the economic viability of a residential development by including  
40 housing that is not for low- and moderate-income households.

41 p. "Commissioner" means the Commissioner of Community  
42 Affairs.

43 q. "Compliance certification" means the certification obtained by a  
44 municipality pursuant to section 3 of P.L. , c. (C. ) (pending  
45 before the Legislature as this bill), that protects the municipality from  
46 <sup>1</sup>[a builder's remedy] exclusionary zoning litigation<sup>1</sup> during the  
47 current round of present and prospective need and through July 1 of  
48 the year the next round begins, which is also known as a "judgment of

- 1 compliance" or "judgment of repose." The term "compliance  
2 certification" shall include a judgment of repose granted in an action  
3 filed pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313).
- 4 r. "County level housing judge" means a judge appointed pursuant  
5 to section 5 of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill), to resolve disputes over the compliance of municipal fair  
7 share affordable housing obligations and municipal fair share plans  
8 and housing elements, with the "Fair Housing Act," P.L.1985, c.222  
9 (C.52:27D-301 et al.
- 10 s. "Deficient housing unit" means housing that: (1) is over fifty  
11 years old and overcrowded; (2) lacks complete plumbing; or (3) lacks  
12 complete kitchen facilities.
- 13 t. "Department" means the Department of Community Affairs.
- 14 u. <sup>1</sup>"Exclusionary zoning litigation" means litigation to challenge  
15 the fair share plan, housing element, or ordinances or resolutions  
16 implementing the fair share plan or housing element of a municipality  
17 based on alleged noncompliance with the "Fair Housing Act,"  
18 P.L.1985, c.222 (C.52:27D-301 et al.) or the Mount Laurel doctrine,  
19 which litigation shall include, but shall not be limited to, litigation  
20 seeking a builder's remedy.
- 21 v. <sup>1</sup>"Fair share plan" means the plan or proposal that is in a form  
22 which may readily be adopted, with accompanying ordinances and  
23 resolutions, pursuant to subsection f. of section 3 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill), by  
25 which a municipality proposes to satisfy its obligation to create a  
26 realistic opportunity to meet its fair share of low- and moderate-  
27 income housing needs of its region and which details the affirmative  
28 measures the municipality proposes to undertake to achieve its fair  
29 share of low- and moderate-income housing, as provided in the  
30 municipal housing element, and addresses the development regulations  
31 necessary to implement the housing element, including, but not limited  
32 to, inclusionary requirements and development fees, and the  
33 elimination of unnecessary housing cost-generating features from the  
34 municipal land use ordinances and regulations.
- 35 <sup>1</sup>[v.] w. <sup>1</sup> <sup>2</sup>"Highlands-conforming municipality" means a  
36 municipality that has adopted a land development ordinance  
37 implementing the municipality's plan conformance petition and which  
38 land development ordinance has been certified by the Highlands Water  
39 Protection and Planning Council as consistent with the "Highlands  
40 Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et  
41 seq.), the Highlands regional master plan, and the municipality's plan  
42 conformance approval. The term "land development ordinance" shall  
43 be inclusive of any amendment to the municipality's land development  
44 ordinances that is adopted to further the municipality's petition of plan  
45 conformance.
- 46 x. <sup>2</sup>"Housing element" means that portion of a municipality's  
47 master plan consisting of reports, statements, proposals, maps,  
48 diagrams, and text designed to meet the municipality's fair share of its

1 region's present and prospective housing needs, particularly with  
 2 regard to low- and moderate-income housing, and which shall contain  
 3 the municipal present and prospective obligation for affordable  
 4 housing, determined pursuant to subsection f. of section 3 of P.L. , c.  
 5 (C. ) (pending before the Legislature as this bill).

6 <sup>1</sup>[w.] <sup>2</sup>[x.1] y.<sup>2</sup> "Program" means the Affordable Housing  
 7 Dispute Resolution Program, established pursuant to section 5 of  
 8 P.L. , c. (C. ) (pending before the Legislature as this bill).

9 <sup>1</sup>[x.] <sup>2</sup>[y.1] z. "State Development and Redevelopment Plan" or  
 10 "State Plan" means the plan prepared pursuant to sections 1 through 12  
 11 of the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.),  
 12 designed to represent a balance of development and conservation  
 13 objectives best suited to meet the needs of the State, and for the  
 14 purpose of coordinating planning activities and establishing Statewide  
 15 planning objectives in the areas of land use, housing, economic  
 16 development, transportation, natural resource conservation, agriculture  
 17 and farmland retention, recreation, urban and suburban redevelopment,  
 18 historic preservation, public facilities and services, and  
 19 intergovernmental coordination pursuant to subsection f. of section 5  
 20 of P.L.1985,c.398 (C.52:18A-200).

21 aa.<sup>2</sup> "Transitional housing" means temporary housing that:

22 (1) includes, but is not limited to, single-room occupancy housing  
 23 or shared living and supportive living arrangements;

24 (2) provides access to on-site or off-site supportive services for  
 25 very low-income households who have recently been homeless or lack  
 26 stable housing;

27 (3) is licensed by the department; and

28 (4) allows households to remain for a minimum of six months.

29 (cf: P.L.2017, c.131, s.199)

30  
 31 3. (New section) a. The Council on Affordable Housing,  
 32 established by the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301  
 33 et al.), is abolished. Each municipality shall determine its municipal  
 34 present and prospective obligations in accordance with the formulas  
 35 established in sections 6 and 7 of P.L. , c. (C. and C. )  
 36 (pending before the Legislature as this bill) and may take into  
 37 consideration the calculations in the report published by the  
 38 department in accordance with this section.

39 b. Following the expiration of the third round of affordable  
 40 housing obligations on July 1, 2025, a municipality shall have  
 41 immunity from <sup>1</sup>[a builder's remedy] exclusionary zoning litigation<sup>1</sup>  
 42 if the municipality complies with the deadlines established in P.L. ,  
 43 c. (C. ) (pending before the Legislature as this bill) for both  
 44 determining present and prospective obligations, and for adopting a  
 45 housing element and fair share plan to meet those obligations.

46 <sup>1</sup>(1) Immunity from exclusionary zoning litigation shall not limit  
 47 the ability of an interested party to challenge a municipality for failure



1 to comply with the terms of its compliance certification. However, a  
2 municipality's actions to comply with the terms of its compliance  
3 certification shall retain a presumption of validity if challenged for an  
4 alleged failure described in this paragraph.

5 (2) Immunity from exclusionary zoning litigation shall not limit  
6 the ability of an interested party to <sup>2</sup>bring a<sup>2</sup> challenge <sup>2</sup>before<sup>2</sup> the  
7 program alleging that, despite the issuance of compliance certification,  
8 a municipality's fair share obligation, fair share plan, housing element,  
9 or ordinances implementing the fair share plan or housing element are  
10 in violation of the Mount Laurel doctrine. However, the <sup>2</sup>decisions of  
11 the<sup>2</sup> program <sup>2</sup>[and its actions]<sup>2</sup> shall retain a presumption of validity  
12 if challenged for an alleged violation described in this paragraph.<sup>1</sup>

13 c. Prior to the beginning of each new 10-year round of housing  
14 obligations beginning with the fourth round on July 1, 2025, the  
15 Department of Community Affairs shall conduct a calculation of  
16 regional need and municipal present and prospective obligations in  
17 accordance with the formulas established in sections 6 and 7 of  
18 P.L. , c. (C. and C. ) (pending before the Legislature as  
19 this bill).

20 d. For the fourth round of affordable housing obligations, the  
21 department shall prepare and submit a report to the Governor, and,  
22 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
23 Legislature providing a report on the calculations of regional need and  
24 municipal obligations for each region of the State <sup>1</sup>[on or before  
25 August] within the earlier of seven months following the effective  
26 date of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill) or December<sup>1</sup> 1, 2024. <sup>2</sup>To assist in this calculation, the  
28 Highlands Water Protection and Planning Council shall provide a list  
29 of Highlands-conforming municipalities to the department no less than  
30 five business days following the effective date of P.L. , c. (C. )  
31 (pending before the Legislature as this bill).<sup>2</sup> The department shall  
32 provide the report to each municipality in the State at the same time  
33 that it submits the report to the Governor and Legislature and shall also  
34 publish such report on the department's Internet website. For the fifth  
35 round, and each subsequent new round of housing obligations, the  
36 department shall prepare and submit a report to each municipality in  
37 the State, the Governor, and, pursuant to section 2 of P.L.1991, c.164  
38 (C.52:14-19.1), to the Legislature on these calculations on or before  
39 August 1 of the year prior to the start of the new round and shall also  
40 publish such report on the department's Internet website. For each 10-  
41 year round of housing obligations, a municipality may take into  
42 consideration the calculations in the report prepared by the department  
43 pursuant to this subsection in determining its present and prospective  
44 obligations.

45 e. Nothing in the provisions of subsections c., d., or f. of this  
46 section shall be interpreted to render any calculation in a report by the  
47 department published pursuant to this section binding on any

1 municipality or other entity, nor to render any failure by the  
2 department to timely conduct the calculations or publish a report  
3 required by this section to alter the deadlines or process set forth in  
4 this section. The ultimate determination of a municipality's present  
5 and prospective need shall be through the process as set forth below.

6 f. (1) (a) With consideration of the calculations contained in the  
7 relevant report published by the department pursuant to this section,  
8 for each 10-year round of affordable housing obligations beginning  
9 with the fourth round, a municipality shall determine its present and  
10 prospective fair share obligation for affordable housing in accordance  
11 with the formulas established in sections 6 and 7 of P.L. , c. (C.  
12 and C. ) (pending before the Legislature as this bill) by resolution,  
13 which shall describe the basis for the municipality's determination and  
14 bind the municipality to adopt a housing element and fair share plan  
15 pursuant to paragraph (2) of this subsection based on this  
16 determination as may be adjusted by the program as set forth in this  
17 subsection.

18 (b) For the fourth round of affordable housing obligations, this  
19 determination of present and prospective fair share obligation shall be  
20 made by binding resolution no later than January 31, 2025. After  
21 adoption of this binding resolution, the municipality shall file an action  
22 regarding the resolution with the program no later than 48 hours  
23 following adoption. The resolution, along with the date of filing with  
24 the program, shall be published on the program's publicly accessible  
25 Internet website. The municipality shall also publish the resolution on  
26 its publicly accessible Internet website, if the municipality maintains  
27 one. If the municipality does not meet this deadline, it  
28 **1** **immediately** shall lose immunity from **1** **builder's remedy**  
29 **exclusionary zoning** litigation until such time as the municipality is  
30 determined to have come into compliance with the "Fair Housing  
31 Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the Mount Laurel  
32 doctrine. A determination of the municipality's present and  
33 prospective obligation may be established before a county level  
34 housing judge as part of any resulting declaratory judgment action  
35 pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313), as amended  
36 by P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 or through **1** **builder's remedy** **exclusionary zoning** litigation. If the  
38 municipality meets this January 31 deadline, then the municipality's  
39 determination of its obligation shall be established by default **1**, and  
40 shall bear a **presumption of validity** beginning on March 1, 2025, as  
41 the municipality's obligation for the fourth round, unless challenged  
42 by an interested party on or before February 28, 2025. **1** **The**  
43 **municipality's determination of its fair share obligation shall have a**  
44 **presumption of validity, if established in accordance with sections 6**  
45 **and 7 of P.L. , c. (C. and C. ) (pending before the**  
46 **Legislature as this bill), in any challenge initiated through the**  
47 **program.** **1** An interested party may file a challenge with the program,

1 after adoption of the binding resolution and prior to March 1, 2025,  
2 alleging that the municipality's determination of its present and  
3 prospective obligation does not comply with the requirements of  
4 sections 6 and 7 of P.L. , c. (C. and C. ) (pending before  
5 the Legislature as this bill). For the fifth round, and each subsequent  
6 new round of housing obligations, the deadlines established in this  
7 subparagraph shall be on the last day of January, the last day of  
8 February, and the first day of March, respectively, of the year of the  
9 start of each new round.

10 (c) The Administrative Director of the Courts shall establish  
11 procedures for the program to consider a challenge and resolve a  
12 dispute initiated by an interested party pursuant to subparagraph (b) of  
13 this paragraph. To resolve a challenge, the program shall apply an  
14 objective assessment standard to determine whether or not the  
15 municipality's calculation of its obligation is compliant with the  
16 requirements of sections 6 and 7 of P.L. , c. (C. and C. )  
17 (pending before the Legislature as this bill). Any challenge must state  
18 with particularity how the municipal calculation fails to comply with  
19 sections 6 and 7 of P.L. , c. (C. and C. ) (pending before  
20 the Legislature as this bill) and include the challenger's own  
21 calculation of the fair share obligations in compliance with sections 6  
22 and 7 of P.L. , c. (C. and C. ) (pending before the  
23 Legislature as this bill). The program shall establish procedures to  
24 summarily dismiss any objection or challenge that does not meet these  
25 minimum standards. For the purpose of efficiency, the program shall,  
26 in its own discretion, permit multiple challenges to the same municipal  
27 determination to be consolidated. The program's approach to  
28 resolving a dispute may include: (i) a finding that the municipality's  
29 determination of its present and prospective need obligation did not  
30 facially comply with the requirements of sections 6 and 7 of P.L. , c.  
31 (C. and C. ) (pending before the Legislature as this bill) and  
32 thus the municipality's immunity shall be revoked; (ii) an adjustment  
33 of the municipality's determination of its present and prospective need  
34 obligation to comply with the requirements of sections 6 and 7 of  
35 P.L. , c. (C. and C. ) (pending before the Legislature as  
36 this bill) without revoking immunity; or (iii) a rejection of a challenge  
37 and affirm the municipality's determination. The decision shall be  
38 provided to the municipality and all parties that have filed challenges  
39 no later than March 31 of the year when the current round is expiring  
40 and the new round is beginning and concurrently posted on the  
41 program's Internet website. The Administrative Director of the Courts  
42 shall establish procedures for any further appellate review of such  
43 determinations, and may establish an expedited process for  
44 consolidated review of any such challenges by the Supreme Court,  
45 provided that any party seeking appellate review shall not change the  
46 deadlines established for municipal filing of a housing element and fair  
47 share plan, and implementing ordinances.

1 (2) (a) A municipality shall adopt a housing element and fair  
2 share plan as provided for by the "Fair Housing Act," P.L.1985, c.222  
3 (C.52:27D-301 et al.), and propose drafts of the appropriate zoning  
4 and other ordinances and resolutions to implement its present and  
5 prospective obligation established in paragraph (1) of this subsection  
6 on or before June 30, 2025. After adoption of the housing element and  
7 fair share plan, and the proposal of drafts of the appropriate zoning and  
8 other ordinances and resolutions, the municipality shall within 48  
9 hours of adoption or by June 30, 2025, whichever is sooner, file the  
10 same with the program as part of the action initiated pursuant to  
11 subparagraph (b) of paragraph (1) of this subsection through the  
12 program's Internet website. Any municipality that does not do so by  
13 June 30, 2025, shall not retain immunity from <sup>1</sup>**["builder's remedy"]**  
14 exclusionary zoning<sup>1</sup> litigation until such time as the municipality is  
15 determined to have come into compliance with the "Fair Housing  
16 Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the Mount Laurel  
17 doctrine and shall be subject to review through the declaratory  
18 judgment process as established in paragraph (3) of this subsection.  
19 As part of its housing element and fair share plan, the municipality  
20 shall include an assessment of the degree to which the municipality  
21 has met its fair share obligation from the prior rounds of affordable  
22 housing obligations as established by prior court approval, or approval  
23 by the council, and determine to what extent this obligation is  
24 unfulfilled or whether the municipality has credits in excess of its prior  
25 round obligations. If a prior round obligation remains unfulfilled, or a  
26 municipality never received an approval from court or the council for  
27 any prior round, the municipality shall address such unfulfilled prior  
28 round obligation in its housing element and fair share plan. Units  
29 included as part of the municipality's unfulfilled prior round obligation  
30 shall not count towards the cap on units in the municipality's  
31 prospective need obligation. In addressing prior round obligations, the  
32 municipality shall retain any sites that, in furtherance of the prior  
33 round obligation, are the subject of a contractual agreement with a  
34 developer, or for which the developer has filed a complete application  
35 seeking subdivision or site plan approval prior to the date by which the  
36 housing element and fair share plan are required to be submitted, and  
37 shall demonstrate how any sites that were not built in the prior rounds  
38 continue to present a realistic opportunity, which may include  
39 proposing changes to the zoning on the site to make its development  
40 more likely, and which may also include the dedication of municipal  
41 affordable housing trust fund dollars or other monetary or in-kind  
42 resources. The municipality shall only plan to replace any sites  
43 planned for development as provided by a prior court approval,  
44 settlement agreement, or approval by the council, with alternative  
45 development plans, if it is determined that the previously planned sites  
46 no longer present a realistic opportunity, and the sites in the alternative  
47 development plan provide at least an equivalent number of affordable  
48 units and are otherwise in compliance with the "Fair Housing Act,"

1 P.L.1985, c.222 (C.52:27D-301 et al.) and the Mount Laurel doctrine.  
2 If a municipality proposes to replace a site for which a complete  
3 application seeking subdivision or site plan approval has not been filed  
4 prior to date by which the housing element and fair share plan is  
5 required to be submitted, there shall be a rebuttable presumption in any  
6 challenge filed to the municipality's plan that any site for which a  
7 zoning designation was adopted creating a realistic opportunity for the  
8 development of a site prior to July 1, 2020, or July 1 of every 10th  
9 year thereafter, as applicable, may be replaced with one or more  
10 alternative sites that provide a realistic opportunity for at least the  
11 same number of affordable units and is otherwise in compliance with  
12 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the  
13 Mount Laurel doctrine. To the extent a municipality has credits,  
14 including bonus credits, from units created during a prior round that  
15 are otherwise permitted to be allocated toward the municipality's  
16 unfulfilled prior round obligation or present or prospective need  
17 obligation in an upcoming round, the municipality shall be entitled to  
18 rely on the rules, including rules for bonus credits, applicable for the  
19 round during which those credits were accumulated. If a municipality  
20 has credits in excess of its prior round obligations, and such excess  
21 credits represent housing that will continue to be deed-restricted and  
22 affordable through the current round, the municipality may include  
23 such housing, and applicable bonus credits, towards addressing the  
24 municipality's new calculation of prospective need. Consistent with  
25 subsection k. of section 11 of P.L.1985, c.222 (C.52:27D-311), the  
26 total number of bonus credits shall in no circumstance exceed 25  
27 percent of the municipality's prospective obligation in any round. The  
28 municipality may in its plan lower its prospective need obligation to  
29 the extent necessary to prevent establishing a prospective need  
30 obligation that requires the municipality to provide a realistic  
31 opportunity for more than 1,000 housing units, after the application of  
32 any excess credits, or to prevent a prospective need obligation that  
33 exceeds 20 percent of the total number of households in a municipality  
34 according to the most recent federal decennial census, not including  
35 any prior round obligation. If a municipality is subject to both a 1,000  
36 unit cap or 20 percent cap it may apply whichever cap results in a  
37 lower prospective need obligation. For the fifth round, and for each  
38 subsequent new round of housing obligations, the deadlines in this  
39 paragraph shall be June 30 for the adoption of the housing element and  
40 fair share plan, and the proposal of drafts of the appropriate zoning and  
41 other ordinances and resolutions to implement its present and  
42 prospective obligation, of the year of the start of the new round.

43 (b) Following the filing, in an action, of an adopted housing  
44 element and fair share plan pursuant to subparagraph (a) of this  
45 paragraph, an interested party may file a response on or before August  
46 31, 2025 alleging that the municipality's fair share plan and housing  
47 element are not in compliance with the "Fair Housing Act," P.L.1985,  
48 c.222 (C.52:27D-301 et al.) or the Mount Laurel doctrine. Such

1 allegation shall not include a claim that a site on real property  
2 proposed by the interested party is a better site than a site in the plan,  
3 but rather shall be based on whether the housing element and fair share  
4 plan as proposed is compliant with the "Fair Housing Act," P.L.1985,  
5 c.222 (C.52:27D-301 et al.) or the Mount Laurel doctrine. To resolve  
6 a challenge, the program shall apply an objective assessment standard  
7 to determine whether or not the municipality's housing element and  
8 fair share plan is compliant with the "Fair Housing Act," P.L.1985,  
9 c.222 (C.52:27D-301 et al.) and the Mount Laurel doctrine. Any  
10 interested party that files a challenge shall specify with particularity  
11 which sites or elements of the municipal fair share plan do not comply  
12 with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) or  
13 the Mount Laurel doctrine, and the basis for alleging such non-  
14 compliance. The program shall establish procedures to summarily  
15 dismiss any objection or challenge that does not meet these minimum  
16 standards. For the purpose of efficiency, the program shall, in its own  
17 discretion, permit multiple challenges to the same municipal housing  
18 element and fair share plan to be consolidated. If a municipality's fair  
19 share plan and housing element is not challenged on or before August  
20 31, 2025, then the program shall 'apply an objective standard to  
21 conduct a limited' review 'of' the fair share plan and housing element  
22 for consistency and to determine whether it 'enables the municipality  
23 to satisfy the fair share obligation, applies compliant mechanisms,  
24 meets the threshold requirements for rental and family units, does not  
25 exceed limits on other unit or category types, and' is compliant with  
26 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the  
27 Mount Laurel doctrine '[, and]' . The program shall' issue a  
28 compliance certification unless these objective standards are not met.  
29 The program shall facilitate communication between the municipality  
30 and any interested parties for a challenge, and provide the municipality  
31 until December 31, 2025 to commit to revising its fair share plan and  
32 housing element in compliance with the changes requested in the  
33 challenge, or provide an explanation as to why it will not make all of  
34 the requested changes, or both. Upon resolution of a challenge, the  
35 program shall issue compliance certification, conditioned on the  
36 municipality's commitment, as necessary, to revise its fair share plan  
37 and housing element in accordance with the resolution of the  
38 challenge. The program may also terminate immunity if it finds that  
39 the municipality is not determined to come into constitutional  
40 compliance at any point in the process. If by December 31, 2025, the  
41 municipality and any interested party that filed a response have  
42 resolved the issues raised in the response through agreement or  
43 withdrawal of the filing, then the program shall review the fair share  
44 plan and housing element for consistency and to determine whether it  
45 is compliant with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-  
46 301 et al.) and the Mount Laurel doctrine, and issue a compliance  
47 certification unless these objective standards are not met. For the fifth

1 round, and each subsequent new round of housing obligations, the  
2 deadline established in this subparagraph for an interested party to file  
3 a challenge shall be August 31, and for the municipality to revise its  
4 housing element and fair share plan in response, shall be December 31,  
5 of the year of the beginning of the new round.

6 (c) For the fourth round of affordable housing obligations, the  
7 implementing ordinances and resolutions, proposed pursuant to  
8 subparagraph (a) of this paragraph, and incorporating any changes  
9 from the program, shall be adopted on or before March 15, 2026. For  
10 the fifth round, and each subsequent new round of housing obligations,  
11 the deadline established in this subparagraph for the implementing  
12 ordinances and resolutions shall be on March 15 of the year following  
13 the beginning of the new round. After adoption of the implementing  
14 ordinances and resolutions by the municipality, the municipality shall  
15 immediately file the ordinances and resolutions with the program  
16 through the program's Internet website. Failure to meet the March 15  
17 deadline shall result in the municipality losing immunity from  
18 <sup>1</sup>~~builder's remedy~~ exclusionary zoning<sup>1</sup> litigation.

19 (d) The program may permit a municipality that still has a  
20 remaining dispute by interested parties to retain immunity from  
21 <sup>1</sup>~~builder's remedy~~ exclusionary zoning<sup>1</sup> litigation into the year  
22 following the year in which a new round begins if the program, or  
23 county level housing judge, determines that the municipality has been  
24 unable to resolve the issues disputed despite being determined to come  
25 into constitutional compliance. The Administrative Director of the  
26 Courts shall develop procedures to enable a county level housing judge  
27 to resolve this dispute over the issuance of compliance certification  
28 through a summary proceeding in Superior Court following the year in  
29 which the new round begins. A judge shall be permitted to serve as a  
30 county level housing judge for more than one county in the same  
31 vicinage. The pendency of such a dispute shall not stay the deadline  
32 for adoption of implementing ordinances and resolutions pursuant to  
33 this paragraph. <sup>1</sup>The implementing ordinances and resolutions  
34 adopted prior to the resolution of the dispute may be subject to  
35 changes to reflect the results of the dispute. As an alternative to  
36 adopting <sup>2</sup>~~the~~ all necessary<sup>2</sup> implementing ordinances and  
37 resolutions by the March 15 deadline, a municipality involved in a  
38 continuing dispute over the issuance of compliance certification may  
39 adopt a binding resolution by this date to commit to adopting the  
40 implementing ordinances and resolutions following resolution of the  
41 dispute, with necessary adjustments to reflect the resolution of the  
42 dispute.<sup>1</sup>

43 (e) Once a municipality has received a compliance certification or  
44 otherwise has had its fair share obligation and housing element and  
45 fair share plan finally determined via judgment of repose or other  
46 judgment, the municipality shall make the municipality's fair share  
47 plan and housing element, as well as any subsequently adopted

1 implementing ordinances and resolutions, or amendments thereto,  
2 available to the department and the program for publication on the  
3 department's and program's respective Internet websites.

4 (3) (a) If a municipality fails to <sup>1</sup>materially<sup>1</sup> adhere to any of the  
5 deadlines established in paragraphs (1) or (2) of this subsection due to  
6 circumstances beyond the control of the municipality, including but  
7 not limited to an inability to meet a deadline due to an extreme  
8 weather event, then the program, or the county level housing judge, in  
9 accordance with court rules, may permit a municipality to have a grace  
10 period to come into compliance with the timeline, the length of which,  
11 and effect of which on later deadlines, shall be determined on a case-  
12 by-case basis.

13 (b) A municipality that has not adopted and published a binding  
14 resolution pursuant to paragraph (1) of this subsection or that has not  
15 adopted and filed a housing element and fair share plan pursuant to  
16 paragraph (2) of this subsection may seek compliance certification by  
17 filing an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-  
18 313), provided that any <sup>1</sup>**builder's remedy** <sup>1</sup>exclusionary zoning<sup>1</sup>  
19 litigation filed by a plaintiff against such a municipality prior to such  
20 time may proceed notwithstanding such filing. In a municipality that  
21 has adopted and published a binding resolution pursuant to paragraph  
22 (1) of this subsection and has adopted and filed a housing element and  
23 fair share plan pursuant to paragraph (2) of this subsection, a court  
24 shall not <sup>1</sup>**grant a builder's remedy to a plaintiff in** <sup>1</sup>consider<sup>1</sup>  
25 exclusionary zoning litigation during the timeframe after the timely  
26 submission of a binding resolution or fair share plan and housing  
27 element of a municipality, or both, and before a challenge is submitted,  
28 or during the timeframe of a challenge that is pending resolution with  
29 the program pursuant to this subsection. A court may <sup>1</sup>**grant a**  
30 **builder's remedy to a plaintiff in** <sup>1</sup>consider<sup>1</sup> exclusionary zoning  
31 litigation after such timeframe upon a finding that the municipality: (i)  
32 is determined to be constitutionally noncompliant with its  
33 responsibilities pursuant to the "Fair Housing Act," P.L.1985, c.222  
34 (C.52:27D-301 et al.) or is participating in the program in bad faith;  
35 (ii) has failed to meet the deadlines established pursuant to P.L. , c.  
36 (C. ) (pending before the Legislature as this bill); or (iii) has, after  
37 receiving compliance certification, failed to comply with the terms of  
38 that certification by not actually allowing for the development of the  
39 affordable housing as provided for in its fair share plan and housing  
40 element through actions, omissions, or both, of a municipality or its  
41 subordinate boards.

42 (c) All parties shall bear their own fees and costs in proceedings  
43 before the program.

44 (d) A determination by the program as to the present and  
45 prospective need obligation or as to issuance of compliance  
46 certification pursuant to this section shall be considered a final  
47 decision, subject to appellate review pursuant to the procedures set



1 forth in subparagraph (c) of paragraph (1) of subsection f. of this  
2 section.

3 (e) A municipality shall not be deemed out of compliance with the  
4 deadlines of P.L. , c. (C. ) (pending before the Legislature as  
5 this bill), or lose immunity from <sup>1</sup>**builder's remedy** exclusionary  
6 zoning<sup>1</sup> litigation, due to a failure by the program to promptly  
7 maintain and update its Internet website, or other operational failure of  
8 the program.

9 <sup>1</sup>g. <sup>2</sup>The program shall be made a party to, and shall be  
10 responsible for defending its issuance of compliance certification in,  
11 any litigation alleging that, despite the issuance of compliance  
12 certification, a municipality's fair share obligation, fair share plan,  
13 housing element, or ordinances implementing the fair share plan or  
14 housing element are not in compliance with the Mount Laurel  
15 doctrine.<sup>1</sup> A compliance certification, issued pursuant to P.L. , c.  
16 (C. ) (pending before the Legislature as this bill), shall be  
17 accompanied by a written report that shall set forth the basis of the  
18 issuance of the certification, and shall be in a format to be developed  
19 and approved by the Administrative Director of the Courts.<sup>2</sup>

20

21 4. Section 13 of P.L.1985, c.222 (C.52:27D-313) is amended to  
22 read as follows:

23 13. a. **[A]** If a municipality [which] has [filed a housing element  
24 may, at any time during a two-year period following the filing of the  
25 housing element, petition the council for a substantive certification of  
26 its element and ordinances or] adopted a housing element and fair  
27 share plan pursuant to section 3 of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), but has failed to satisfy the June 30  
29 deadline established pursuant to paragraph (2) of subsection f. of  
30 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
31 this bill), for any round of affordable housing obligations, the  
32 municipality may request and be provided with a grace period pursuant  
33 to paragraph (3) of subsection f. of section 3 of P.L. , c. (C. )  
34 (pending before the Legislature as this bill), if authorized by the  
35 program or county level housing judge, as determined by the rules of  
36 court. If a municipality that has not satisfied this June 30 deadline is  
37 not provided with a grace period, the municipality may institute an  
38 action for declaratory judgment granting it repose in the Superior  
39 Court [, but in no event shall a grant of substantive certification extend  
40 beyond a 10-year period starting on the date the municipality files its  
41 housing element with the council] for the 10-year period constituting  
42 the current round of fair share obligations. The municipality shall  
43 publish notice of its **[petition]** filing of a declaratory judgment action  
44 in a newspaper of general circulation within the municipality and  
45 county and shall make available to the public information on the  
46 element and ordinances by submitting such information to the program  
47 to be published on the Internet website of the program in accordance

1 with **【**such procedures as the council shall establish. The council shall  
 2 also establish a procedure for providing public notice of each petition  
 3 which it receives**】** section 3 of P.L. , c. (C. ) (pending before  
 4 the Legislature as this bill).

5 b. **【**Notwithstanding the provisions of subsection a. of this section,  
 6 a municipality which filed a housing element prior to the effective date  
 7 of P.L.1990, c.121, shall be permitted to petition for substantive  
 8 certification at any time within two years following that filing, or  
 9 within one year following the effective date of P.L.1990, c.121,  
 10 whichever shall result in permitting the municipality the longer period  
 11 of time within which to petition.**】** (Deleted by amendment, P.L. , c.  
 12 (pending before the Legislature as this bill)

13 **【**The Council shall establish procedures for**】** c. (1) A  
 14 municipality or other interested party may file an action through the  
 15 program seeking a realistic opportunity review **【**at the midpoint of the  
 16 certification period and shall provide for notice to the public**】** at the  
 17 midpoint of the certification period and shall provide for notice to the  
 18 public, including a realistic opportunity review of any inclusionary  
 19 development site in the housing element and fair share plan that has  
 20 not received preliminary site plan approval prior to the midpoint of the  
 21 10-year round. If such an action is initiated by a municipality, the  
 22 municipality <sup>1</sup>**【**shall**】** may<sup>1</sup> propose one or more alternative sites with  
 23 an accompanying development plan or plans that provide a realistic  
 24 opportunity for the same number of affordable units and is otherwise  
 25 in compliance with the "Fair Housing Act," P.L.1985, c.222  
 26 (C.52:27D-301 et al.) and the Mount Laurel doctrine, provided that if  
 27 the facts demonstrate that the municipality or its subordinate boards  
 28 have prevented the site from receiving site plan approval, then the  
 29 program shall reject the municipality's challenge.

30 (2) Any party may file a request for information from the program  
 31 regarding the progress of development at any inclusionary  
 32 development site in the housing element and fair share plan of a  
 33 municipality, or at any alternative site proposed by the municipality.  
 34 The program may respond to a request independently or in  
 35 coordination with the department.

36 (cf: P.L.2001, c.435, s.5)

37  
 38 5. (New section) a. There is established an Affordable Housing  
 39 Dispute Resolution Program that shall have the purpose of efficiently  
 40 resolving disputes involving the "Fair Housing Act," P.L.1985, c.222  
 41 (C.52:27D-301 et al.), to consist of an odd number of members, of at  
 42 least three and no more than seven members who shall lead the  
 43 administration of the program. The <sup>1</sup>**【**Chief Justice of the Supreme  
 44 **】** Administrative Director of the Courts<sup>1</sup> shall update the  
 45 assignment of designated Mount Laurel judges to indicate which  
 46 current or retired and on recall judges of the Superior Court shall serve  
 47 as members, within <sup>1</sup>**【**40**】** 60<sup>1</sup> days following the effective date of

1 P.L. , c. (C. ) (pending before the Legislature as this bill). The  
2 <sup>1</sup>【Chief Justice of the Supreme Court】 Administrative Director of the  
3 Courts<sup>1</sup> may appoint other qualified experts as members if sufficient  
4 current and retired judges are unavailable. The <sup>1</sup>【Chief Justice of the  
5 Supreme Court】 Administrative Director of the Courts<sup>1</sup> shall take into  
6 consideration in making such appointments experience in the  
7 employment of alternative dispute resolution methods and in relevant  
8 subject matter.

9 b. The <sup>1</sup>【Chief Justice of the Supreme Court】 Administrative  
10 Director of the Courts<sup>1</sup> shall designate a member to serve as chair.  
11 The <sup>1</sup>【Chief Justice of the Supreme Court】 Administrative Director of  
12 the Courts<sup>1</sup> shall make new appointments as needs arise for new  
13 appointments.

14 c. The program, in its discretion and in accordance with Rules of  
15 Court, may consult or employ the services of one or more special  
16 masters or staff to assist it in rendering determinations, resolving  
17 disputes, and facilitating communication as required by subparagraph  
18 (b) of paragraph (2) of subsection f. of section 3 of P.L. , c.  
19 (C. ) (pending before the Legislature as this bill). In addition, the  
20 program may incorporate any existing or newly established court  
21 mediation or alternative dispute resolution process to assist the  
22 program in resolving disputes and facilitating communication among  
23 municipalities and interested parties.

24 d. The Administrative Director of the Courts shall establish a  
25 filing system via an Internet website in which the public is able to  
26 access, without cost, filings made pursuant to P.L. , c. (C. )  
27 (pending before the Legislature as this bill) and such other related  
28 filings as the Administrative Director of the Courts may include on the  
29 filing system.

30 e. The Administrative Director of the Courts may assign  
31 additional responsibilities to the program for resolving disputes arising  
32 out of or related to the "Fair Housing Act," P.L.1985, c.222  
33 (C.52:27D-301 et al.).

34 f. The Administrative Director of the Courts shall establish  
35 procedures for the purpose of efficiently resolving disputes involving  
36 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), for  
37 circumstances in which the program is unable to address the dispute  
38 within the time limitations established pursuant to section 3 of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill). As a part of  
40 the procedures established pursuant to this section, in order to facilitate  
41 an appropriate level of localized control of affordable housing  
42 decisions, for each vicinage, the Chief Justice of the Supreme Court  
43 shall designate a Superior Court judge who sits within the vicinage, or  
44 a retired judge who, during the judge's tenure as a judge, served within  
45 the vicinage, to serve as county level housing judge to resolve disputes  
46 over the compliance, of fair share plans and housing elements of  
47 municipalities within their designated county or counties, with the

1 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), as well as  
2 disputes that arise with respect to ongoing compliance or  
3 noncompliance with obligations created by fair share plans, housing  
4 elements, and the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301  
5 et al.). A judge shall be permitted to serve as a county level housing  
6 judge for more than one county in the same vicinage.

7 g. The Administrative Director of the Courts shall promulgate,  
8 maintain, and apply a Code of Ethics that is modeled upon the Code of  
9 Judicial Conduct of the American Bar Association, as amended and  
10 adopted by the Supreme Court of New Jersey, and may establish  
11 additional, more restrictive ethical standards in order to meet the  
12 specific needs of the program, and of county level housing judges.

13  
14 6. (New section) a. Municipal present need for each 10-year  
15 round of affordable housing obligations shall be determined by  
16 estimating the deficient housing units occupied by low- and moderate-  
17 income households in the region, following a methodology similar to  
18 the methodology used to determine third round municipal present  
19 need, through the use of most recent datasets made available through  
20 the federal decennial census and the American Community Survey <sup>2</sup>,  
21 including the Comprehensive Housing Affordability Strategy dataset  
22 thereof<sup>2</sup>.

23 b. For the purpose of determining regional need for the 10-year  
24 round of low- and moderate-income housing obligations, running from  
25 July 1, 2025 through June 30, 2035, and each 10-year round thereafter:

26 (1) The regions of the State shall be comprised as follows:

27 (a) Region 1 shall consist of the counties of Bergen, Hudson,  
28 Passaic, and Sussex;

29 (b) Region 2 shall consist of the counties of Essex, Morris, Union,  
30 and Warren;

31 (c) Region 3 shall consist of the counties of Hunterdon,  
32 Middlesex, and Somerset;

33 (d) Region 4 shall consist of the counties of Mercer, Monmouth,  
34 and Ocean;

35 (e) Region 5 shall consist of the counties of Burlington, Camden,  
36 and Gloucester; and

37 (f) Region 6 shall consist of the counties of Atlantic, Cape May,  
38 Cumberland, and Salem.

39 (2) Regional prospective need for a 10-year round of low- and  
40 moderate-income housing obligations shall be determined through the  
41 calculation provided in this subsection. Projected household change  
42 for a 10-year round in a region shall be estimated by establishing the  
43 household change experienced in the region between the most recent  
44 federal decennial census, and the second-most recent federal decennial  
45 census. This household change, if positive, shall be divided by 2.5 to  
46 estimate the number of low- and moderate-income homes needed to  
47 address low- and moderate-income household change in the region,  
48 and to determine the regional prospective need for a 10-year round of

1 low- and moderate-income housing obligations. If household change  
2 is zero or negative, the number of low- and moderate-income homes  
3 needed to address low- and moderate-income household change in the  
4 region and the regional prospective need shall be zero.

5  
6 7. (New section) a. The present and prospective fair share  
7 obligation for low- and moderate-income housing for each  
8 municipality in the State shall be determined as described in this  
9 section. In addition, the March 8, 2018 unpublished decision of the  
10 Superior Court, Law Division, Mercer County, In re Application of  
11 Municipality of Princeton shall be referenced as to datasets and  
12 methodologies that are not explicitly addressed by this section. These  
13 determinations of municipal present and prospective need shall be  
14 based on a determination of the present and prospective regional need  
15 for low- and moderate-income housing, established pursuant to section  
16 6 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
17 These calculations of municipal present and prospective need shall use  
18 necessary datasets that are updated to the greatest extent practicable.

19 b. A municipality's present need obligation shall be determined by  
20 estimating the existing deficient housing units currently occupied by  
21 low- and moderate-income households within the municipality,  
22 following a methodology comparable to the methodology used to  
23 determine third round present need, through the use of datasets made  
24 available through the federal decennial census and the American  
25 Community Survey <sup>2</sup>, including the Comprehensive Housing  
26 Affordability Strategy dataset thereof<sup>2</sup>.

27 c. A municipality's prospective fair share obligation of the  
28 regional prospective need for the upcoming 10-year round shall be  
29 determined in accordance with this subsection:

30 (1) If a municipality is a qualified urban aid municipality, the  
31 municipality shall be exempt from responsibility for any fair share  
32 prospective need obligation for the upcoming 10-year round. For the  
33 purposes of this section, a municipality is a qualified urban aid  
34 municipality if the municipality, as of July 1 of the year prior to the  
35 beginning of a new round, is designated by the department, pursuant to  
36 P.L.1978, c.14 (C.52:27D-178 et seq.), to receive State aid, and the  
37 municipality meets at least one of the following criteria:

38 (a) The ratio of substandard existing deficient housing units  
39 currently occupied by low- and moderate-income households within  
40 the municipality, compared to all existing housing in the municipality,  
41 is greater than the equivalent ratio in the region;

42 (b) The municipality has a population density greater than 10,000  
43 persons per square mile of land area; or

44 (c) The municipality has a population density of more than 6,000,  
45 but less than 10,000 persons per square mile of land area, and less than  
46 five percent vacant parcels not used as farmland, as measured by the  
47 average of:

- 1 (i) The number of vacant land parcels in the municipality as a  
2 percentage of the total number of parcels in the municipality; and  
3 (ii) The valuation of vacant land in the municipality as a  
4 percentage of total valuations in the municipality.
- 5 (2) A municipality's equalized nonresidential valuation factor  
6 shall be determined. To determine this factor, the changes in  
7 nonresidential property valuations in the municipality, since the  
8 beginning of the round preceding the round being calculated, shall be  
9 calculated using data published by the Division of Local Government  
10 Services in the department. <sup>2</sup>For the purposes of this paragraph, the  
11 beginning of the round of affordable housing obligations preceding the  
12 fourth round shall be the beginning of the gap period in 1999.<sup>2</sup> The  
13 change in the municipality's nonresidential valuations shall be divided  
14 by the regional total change in nonresidential valuations to determine  
15 the municipality's share of the regional change as the equalized  
16 nonresidential valuation factor.
- 17 (3) A municipality's income capacity factor shall be determined.  
18 This factor shall be determined by calculating the average of the  
19 following measures:
- 20 (a) The municipal share of the regional sum of the differences  
21 between the median municipal household income, according to the  
22 most recent American Community Survey Five-Year Estimates, and  
23 an income floor of \$100 below the lowest median household income in  
24 the region; and
- 25 (b) The municipal share of the regional sum of the differences  
26 between the median municipal household incomes and an income floor  
27 of \$100 below the lowest median household income in the region,  
28 weighted by the number of the households in the municipality.
- 29 (4) A municipality's land capacity factor shall be determined.  
30 This factor shall be determined by estimating the area of developable  
31 <sup>1</sup>~~and redevelopable~~<sup>1</sup> land in the municipality's boundaries, and  
32 regional boundaries, that may accommodate development through the  
33 use of the "land use / land cover data" most recently published by the  
34 Department of Environmental Protection, <sup>2</sup>data from the American  
35 Community Survey and Comprehensive Housing Affordability  
36 Strategy dataset thereof, MOD-IV Property Tax List data from the  
37 Division of Taxation in the Department of the Treasury, and  
38 construction permit data from the Department of Community Affairs.<sup>2</sup>  
39 and weighing such land based on the planning area type in which such  
40 land is located. After the weighing factors are applied, the sum of the  
41 total developable <sup>1</sup>~~and redevelopable~~<sup>1</sup> land area that may  
42 accommodate development in the municipality, and in the region shall  
43 be determined. The municipality's share of its region's developable  
44 <sup>1</sup>~~and redevelopable~~<sup>1</sup> land shall be its land capacity factor.  
45 Developable <sup>1</sup>~~and redevelopable~~<sup>1</sup> land that may accommodate  
46 development shall be weighted based on the planning area type in  
47 which such land is located, as designated pursuant to P.L.1985, c.398

1 (C.52:18A-196 et seq.), P.L.1979, c.111 (C.13:18A-1 et seq.), or  
2 P.L.2004, c.120 (C.13:20-1 et seq.), as follows:

3 (a) Planning Area 1 (Metropolitan) shall have a weighting factor  
4 of 1.0;

5 (b) Planning Area 2 (Suburban) shall have a weighting factor of  
6 1.0;

7 (c) Planning Area 3 (Fringe) shall have a weighting factor of 0.5;

8 (d) Planning Area 4 (Rural) shall have a weighting factor of 0.0;

9 (e) Planning Area 5 (Environmentally Sensitive) shall have a  
10 weighting factor of 0.0;

11 (f) Centers in Planning Areas 1 and 2 shall have a weighting factor  
12 of 1.0;

13 (g) Centers in Planning Areas 3, 4, and 5 shall have a weighting  
14 factor of 0.5;

15 (h) Pinelands Regional Growth Area shall have a weighting factor  
16 of 0.5;

17 (i) Pinelands Town shall have a weighting factor of 0.5;

18 (j) All other Pinelands shall have a weighting factor of 0.0;

19 (k) Meadowlands shall have a weighting factor of 1.0;

20 (l) Meadowlands Center shall have a weighting factor of 1.0;

21 (m) Highlands Preservation Area shall have a weighting factor of  
22 0.0;

23 (n) Highlands Planning Area Existing Community Zone <sup>2</sup>【, opted  
24 in municipality by May 1, 2022】 and Highlands Designated Center in  
25 a Highlands-conforming municipality, as determined by the Highlands  
26 Water Protection and Planning Council pursuant to the list provided to  
27 the department pursuant to subsection d. of section 3 of P.L. , c.  
28 (C. ) (pending before the Legislature as this bill),<sup>2</sup> shall have a  
29 weighting factor of 1.0;

30 (o) Highlands Planning Area, State-designated sewer service area,  
31 <sup>2</sup>【municipality not opted in by May 1, 2022】 Highlands municipality  
32 that is not a Highlands-conforming municipality as determined by the  
33 Highlands Water Protection and Planning Council pursuant to the list  
34 provided to the department pursuant to subsection d. of section 3 of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>,  
36 shall have a weighting factor of 1.0; and

37 (p) All other Highlands Planning Areas shall have a weighting  
38 factor of 0.0.

39 (5) The equalized nonresidential valuation factor, income capacity  
40 factor, and land capacity factor, determined in paragraphs (2), (3), and  
41 (4) of this subsection, shall be averaged to yield the municipality's  
42 average allocation factor for distributing gross regional prospective  
43 need to the municipality. The regional prospective need shall then be  
44 multiplied by the municipality's average allocation factor to determine  
45 the municipality's gross prospective need for the 10-year round.

46 <sup>2</sup>【(6) Secondary sources of supply and demand shall be adjusted  
47 for by first calculating demolitions of low- and moderate-income

1 housing, and housing creation through low- and moderate-income  
2 residential conversions. A municipality's share of low- and moderate-  
3 income conversions shall then be subtracted from the sum of each  
4 municipality's allocated share of gross prospective need and  
5 demolitions of low- and moderate-income housing.】<sup>2</sup>

6  
7 8. Section 4 of P.L.1995, c.244 (C.2A:50-56) is amended to read  
8 as follows:

9 4. a. Upon failure to perform any obligation of a residential  
10 mortgage by the residential mortgage debtor and before any  
11 residential mortgage lender may accelerate the maturity of any  
12 residential mortgage obligation and commence any foreclosure or  
13 other legal action to take possession of the residential property  
14 which is the subject of the mortgage, the residential mortgage  
15 lender shall give a notice of intention, which shall include a notice  
16 of the right to cure the default as provided in section 5 of P.L.1995,  
17 c.244 (C.2A:50-57), at least 30 days, but not more than 180 days, in  
18 advance of such action as provided in this section, to the residential  
19 mortgage debtor, and, if the mortgage is secured by a residence for  
20 which a restriction on affordability was recorded in the county in  
21 which the property is located, the clerk of the municipality in which  
22 the subject property is located, the municipal housing liaison, if one  
23 has been appointed by the municipality 【pursuant to the regulations  
24 of the Council on Affordable Housing, and the Commissioner of  
25 Community Affairs】. For the purposes of this section, "restriction  
26 on affordability" means any conditions recorded with a mortgage or  
27 a deed which would limit the sale of such property to income  
28 qualified households pursuant to the rules adopted to effectuate the  
29 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.).

30 b. Notice of intention to take action as specified in subsection  
31 a. of this section shall be in writing, provided to the Department of  
32 Community Affairs in accordance with subsection a. of section 2 of  
33 P.L.2019, c.134 (C.46:10B-49.2), sent to the debtor by registered or  
34 certified mail, return receipt requested, at the debtor's last known  
35 address, and, if different, to the address of the property which is the  
36 subject of the residential mortgage. The notice is deemed to have  
37 been effectuated on the date the notice is delivered in person or  
38 mailed to the party.

39 c. The written notice shall clearly and conspicuously state in a  
40 manner calculated to make the debtor aware of the situation:

41 (1) the particular obligation or real estate security interest;

42 (2) the nature of the default claimed;

43 (3) the right of the debtor to cure the default as provided in  
44 section 5 of P.L.1995, c.244 (C.2A:50-57);

45 (4) what performance, including what sum of money, if any, and  
46 interest, shall be tendered to cure the default as of the date specified  
47 under paragraph (5) of this subsection c.;



1 (5) the date by which the debtor shall cure the default to avoid  
2 initiation of foreclosure proceedings, which date shall not be less  
3 than 30 days after the date the notice is effective, and the name and  
4 address and phone number of a person to whom the payment or  
5 tender shall be made;

6 (6) that if the debtor does not cure the default by the date  
7 specified under paragraph (5) of this subsection c., the lender may  
8 take steps to terminate the debtor's ownership in the property by  
9 commencing a foreclosure suit in a court of competent jurisdiction;

10 (7) that if the lender takes the steps indicated pursuant to  
11 paragraph (6) of this subsection c., a debtor shall still have the right  
12 to cure the default pursuant to section 5 of P.L.1995, c.244  
13 (C.2A:50-57), but that the debtor shall be responsible for the  
14 lender's court costs and attorneys' fees in an amount not to exceed  
15 that amount permitted pursuant to the Rules Governing the Courts  
16 of the State of New Jersey;

17 (8) the right, if any, of the debtor to transfer the real estate to  
18 another person subject to the security interest and that the transferee  
19 may have the right to cure the default as provided in P.L.1995,  
20 c.244 (C.2A:50-53 et seq.), subject to the mortgage documents;

21 (9) that the debtor is advised to seek counsel from an attorney of  
22 the debtor's own choosing concerning the debtor's residential  
23 mortgage default situation, and that, if the debtor is unable to obtain  
24 an attorney, the debtor may communicate with the New Jersey Bar  
25 Association or Lawyer Referral Service in the county in which the  
26 residential property securing the mortgage loan is located; and that,  
27 if the debtor is unable to afford an attorney, the debtor may  
28 communicate with the Legal Services Office in the county in which  
29 the property is located;

30 (10) the possible availability of financial assistance for curing a  
31 default from programs operated by the State or federal government  
32 or nonprofit organizations, if any, as identified by the  
33 Commissioner of Banking and Insurance and, if the property is  
34 subject to restrictions on affordability, the address and phone  
35 number of the municipal affordable housing liaison and of the New  
36 Jersey Housing and Mortgage Finance Agency. This requirement  
37 shall be satisfied by attaching a list of such programs promulgated  
38 by the commissioner;

39 (11) the name and address of the lender and the telephone  
40 number of a representative of the lender whom the debtor may  
41 contact if the debtor disagrees with the lender's assertion that a  
42 default has occurred or the correctness of the mortgage lender's  
43 calculation of the amount required to cure the default;

44 (12) that if the lender takes the steps indicated pursuant to  
45 paragraph (6) of this subsection, the debtor has the option to  
46 participate in the Foreclosure Mediation Program following the  
47 filing of a mortgage foreclosure complaint by initiating mediation  
48 pursuant to paragraph (2) of subsection a. of section 4 of P.L.2019,

1 c.64 (C.2A:50-77). Notice of the option to participate in the  
2 Foreclosure Mediation Program shall adhere to the requirements of  
3 section 3 of P.L.2019, c.64 (C.2A:50-76) and any court rules,  
4 procedures, or guidelines adopted by the Supreme Court;

5 (13) that the debtor is entitled to housing counseling, at no cost  
6 to the debtor, through the Foreclosure Mediation Program  
7 established by the New Jersey Judiciary, including information on  
8 how to contact the program;

9 (14) that if the property which is the subject of the mortgage has  
10 more than one dwelling unit but less than five, one of which is  
11 occupied by the debtor or a member of the debtor's immediate  
12 family as the debtor's or member's residence at the time the loan is  
13 originated, and is not properly maintained and meets the necessary  
14 conditions for receivership eligibility, established pursuant to  
15 section 4 of the "Multifamily Housing Preservation and  
16 Receivership Act," P.L.2003, c.295 (C.2A:42-117), the residential  
17 mortgage lender shall file an order to show cause to appoint a  
18 receiver; and

19 (15) that the lender is either licensed in accordance with the  
20 "New Jersey Residential Mortgage Lending Act," sections 1  
21 through 39 of P.L.2009, c.53 (C.17:11C-51 through C.17:11C-89)  
22 or exempt from licensure under the act in accordance with  
23 applicable law.

24 d. The notice of intention to foreclose required to be provided  
25 pursuant to this section shall not be required if the debtor has  
26 voluntarily surrendered the property which is the subject of the  
27 residential mortgage.

28 e. The duty of the lender under this section to serve notice of  
29 intention to foreclose is independent of any other duty to give  
30 notice under the common law, principles of equity, State or federal  
31 statute, or rule of court and of any other right or remedy the debtor  
32 may have as a result of the failure to give such notice.

33 f. Compliance with this section and subsection a. of section 2  
34 of P.L.2019, c.134 (C.46:10B-49.2) shall be set forth in the  
35 pleadings of any legal action referred to in this section. If the  
36 plaintiff in any complaint seeking foreclosure of a residential  
37 mortgage alleges that the property subject to the residential  
38 mortgage has been abandoned or voluntarily surrendered, the  
39 plaintiff shall plead the specific facts upon which this allegation is  
40 based.

41 g. If more than 180 days have elapsed since the date the notice  
42 required pursuant to this section is sent, and any foreclosure or  
43 other legal action to take possession of the residential property  
44 which is the subject of the mortgage has not yet been commenced,  
45 the lender shall send a new written notice at least 30 days, but not  
46 more than 180 days, in advance of that action.

47 h. If the property which is the subject of the notice of intention  
48 to foreclose has more than one dwelling unit but less than five, one

1 of which is occupied by the debtor or a member of the debtor's  
2 immediate family as the debtor's or member's residence at the time  
3 the loan is originated, and is not properly maintained and meets the  
4 necessary conditions for receivership eligibility, established  
5 pursuant to section 4 of the "Multifamily Housing Preservation and  
6 Receivership Act," P.L.2003, c.295 (C.2A:42-117), the residential  
7 mortgage lender shall file an order to show cause to appoint a  
8 receiver.

9 (cf: P.L.2019, c.134, s.4)

10

11 9. Section 2 of P.L.2005, c.306 (C.5:18-2) is amended to read as  
12 follows:

13 2. The New Jersey Council on Physical Fitness and Sports,  
14 established under P.L.1999, c.265 (C.26:1A-37.5 et seq.) is  
15 authorized to provide grants to assist low-income families in  
16 purchasing the protective eyewear. As used in this section, a "low-  
17 income family" means a family which qualifies for low-income  
18 housing under the standards promulgated by the **【Council on**  
19 **Affordable Housing】** New Jersey Housing and Mortgage Finance  
20 Agency pursuant to the "Fair Housing Act," P.L.1985, c.222  
21 (C.52:27D-301 et al.).

22 (cf: P.L.2005, c.306, s.2)

23

24 10. Section 25 of P.L.2004, c.120 (C.13:20-23) is amended to  
25 read as follows:

26 25. a. The **【Council on Affordable Housing shall take into**  
27 **consideration the】** regional master plan **【prior to making any】** shall  
28 be taken into account as part of the determination of obligations  
29 pursuant to the method in section 7 of P.L. , c. (C. )  
30 (pending before the Legislature as this bill) regarding the allocation  
31 of the prospective fair share of the housing need **【in any**  
32 **municipality in the Highlands Region】** under the "Fair Housing  
33 Act," P.L.1985, c.222 (C.52:27D-301 et al.) for **【the】** any fair share  
34 period subsequent to **【1999】** the effective date of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill) if  
36 a municipality is in the Highlands Region.

37 b. Nothing in **【this act】** P.L.2004, c.120 (C.13:20-1 et al.) shall  
38 affect protections provided through a grant of substantive  
39 certification or a judgment of repose granted prior to **【the date of**  
40 **enactment of this act】** August 10, 2004.

41 (cf: P.L.2004, c.120, s.25)

42

43 11. Section 5 of P.L.2009, c.53 (C.17:11C-55) is amended to  
44 read as follows:

45 5. The requirements of this act shall not apply to:

46 a. Depository institutions; but subsidiaries and service  
47 corporations of these institutions shall not be exempt. A depository

1 institution may register with the department for the purpose of  
2 sponsoring individuals, licensed as mortgage loan originators  
3 subject to subparagraph (b) of paragraph (1) of subsection c. of  
4 section 4 of P.L.2009, c.53 (C.17:11C-54), provided that such  
5 registered entity obtains and maintains bond coverage for mortgage  
6 loan originators consistent with section 13 of P.L.2009, c.53  
7 (C.17:11C-63). A depository institution registered with the  
8 department in accordance with this subsection a. shall otherwise  
9 remain exempt from the licensing requirements of P.L.2009, c.53  
10 (C.17:11C-51 et seq.).

11 b. A registered mortgage loan originator that is registered  
12 under the federal "Secure and Fair Enforcement for Mortgage  
13 Licensing Act of 2008," title V of Pub.L.110-289 (12 U.S.C. s.5101  
14 et seq.).

15 c. A licensed attorney who negotiates the terms of a residential  
16 mortgage loan on behalf of a client as an ancillary matter to the  
17 attorney's representation of the client, unless the attorney is  
18 compensated by a residential mortgage lender, residential mortgage  
19 broker, or mortgage loan originator.

20 d. A person licensed as a real estate broker or salesperson  
21 pursuant to R.S.45:15-1 et seq., and not engaged in the business of a  
22 residential mortgage lender or residential mortgage broker. Any  
23 person holding a license under this act as a residential mortgage  
24 lender or broker shall be exempt from the licensing and other  
25 requirements of R.S.45:15-1 et seq. in the performance of those  
26 functions authorized by this act.

27 e. Any employer, other than a residential mortgage lender, who  
28 provides residential mortgage loans to his employees as a benefit of  
29 employment which are at an interest rate which is not in excess of  
30 the usury rate in existence at the time the loan is made, as  
31 established in accordance with the law of this State, and on which  
32 the borrower has not agreed to pay, directly or indirectly, any  
33 charge, cost, expense or any fee whatsoever, other than that interest.

34 f. The State of New Jersey or a municipality, or any agency or  
35 instrumentality thereof, which, in accordance with a housing  
36 element that has previously received substantive certification from  
37 the Council on Affordable Housing, or a judgment of repose or  
38 other court approval, pursuant to the "Fair Housing Act," P.L.1985,  
39 c.222 (C.52:27D-301 et al.), or in fulfillment of a regional  
40 contribution agreement with a municipality that has received a  
41 certification, employs or proposes to employ municipally generated  
42 funds, funds obtained through any State or federal subsidy, or funds  
43 acquired by the municipality under a regional contribution  
44 agreement, to finance the provision of affordable housing by  
45 extending loans or advances, the repayment of which is secured by  
46 a lien, subordinate to any prior lien, upon the property that is to be  
47 rehabilitated.

1 g. Any individual who offers or negotiates terms of a  
2 residential mortgage loan:

3 (1) with or on behalf of an immediate family member; or

4 (2) secured by a dwelling that serves as the individual's  
5 residence.

6 h. Any person who, during a calendar year takes three or fewer  
7 residential mortgage loan applications or offers or negotiates the  
8 terms of three or fewer residential mortgage loans or makes three or  
9 fewer residential mortgage loans related to manufactured housing  
10 structures which are:

11 (1) titled by the New Jersey Motor Vehicle Commission;

12 (2) located in a mobile home park as defined in subsection e. of  
13 section 3 of P.L.1983, c.400 (C.54:4-1.4); and

14 (3) exempt from taxation as real property pursuant to subsection  
15 b. of section 4 of P.L.1983, c.400 (C.54:4-1.5).

16 i. A bona fide not for profit entity and any individuals directly  
17 employed by that entity, so long as the entity maintains its tax  
18 exempt status under Section 501(c)(3) of the Internal Revenue Code  
19 of 1986 and otherwise meets the definition of "bona fide not for  
20 profit entity" in section 3 of P.L.2009, c.53 (C.17:11C-53), as  
21 periodically determined by the department in accordance with rules  
22 established by the commissioner.

23 (cf: P.L.2018, c.108, s.3)

24  
25 12. Section 2 of P.L.1991, c.465 (C.39:4-10.2) is amended to  
26 read as follows:

27 2. a. A person who violates a requirement of this act shall be  
28 warned of the violation by the enforcing official. The parent or  
29 legal guardian of that person also may be fined a maximum of \$25  
30 for the person's first offense and a maximum of \$100 for a  
31 subsequent offense if it can be shown that the parent or guardian  
32 failed to exercise reasonable supervision or control over the  
33 person's conduct. Penalties provided in this section for a failure to  
34 wear a helmet may be waived if an offender or his parent or legal  
35 guardian presents suitable proof that an approved helmet was  
36 owned at the time of the violation or has been purchased since the  
37 violation occurred.

38 b. All money collected as fines under subsection a. of this  
39 section and subsection a. of section 2 of P.L.1997, c.411 (C.39:4-  
40 10.6) shall be deposited in a nonlapsing revolving fund to be known  
41 as the "Bicycle and Skating Safety Fund." Interest earned on  
42 money deposited in the fund shall accrue to the fund. Money in the  
43 fund shall be utilized by the director to provide educational  
44 programs devoted to bicycle, roller skating and skateboarding  
45 safety. If the director determines that sufficient money is available  
46 in the fund, he also may use, in a manner prescribed by rule and  
47 regulation, the money to assist **low income** low-income families  
48 in purchasing approved bicycle helmets. For the purposes of this

1 subsection, **["low income family"]** "low-income family" means a  
2 family which qualifies for **[low income]** low-income housing under  
3 the standards promulgated by the **[Council on Affordable Housing]**  
4 New Jersey Housing and Mortgage Finance Agency pursuant to the  
5 provisions of P.L.1985, c.222 (C.52:27D-301 et seq.).  
6 (cf: P.L.1997, c.411, s.11)  
7

8 13. Section 33 of P.L.2008, c.46 (C.40:55D-8.2) is amended to  
9 read as follows:

10 33. The Legislature finds and declares:

11 a. The collection of development fees from builders of  
12 residential and non-residential properties has been authorized by the  
13 court through the powers **[delegated to the Council on Affordable**  
14 **Housing]** established pursuant to the "Fair Housing Act," P.L.1985,  
15 c.222 (C.52:27D-301 et al.). Due to the Legislature's determination  
16 that the role of the Council on Affordable Housing has not  
17 developed in practice as intended, the Legislature further  
18 determines that authority relating to rulemaking on the collection of  
19 residential and non-residential development fees is appropriately  
20 delegated to the Department of Community Affairs, given the  
21 department's existing roles related to local government finance and  
22 the funding and financing of affordable housing throughout the  
23 State.

24 b. New Jersey's land resources are becoming more scarce, while  
25 its redevelopment needs are increasing. In order to balance the  
26 needs of developing and redeveloping communities, a reasonable  
27 method of providing for the housing needs of **[low and moderate**  
28 **income]** low-, moderate-, and [middle income] middle-income  
29 households, without mandating the inclusion of housing in every  
30 non-residential project, must be established.

31 c. A Statewide non-residential development fee program, which  
32 permits municipalities **[under the council's jurisdiction]** that have  
33 obtained or are in the process of seeking compliance certification  
34 to retain these fees for use in the municipality will provide a fair and  
35 balanced funding method to address the State's affordable housing  
36 needs, while providing an incentive to all municipalities to **[seek**  
37 **substantive]** obtain compliance certification [from the council].

38 d. Whereas, pursuant to P.L.1977, c.110 (C.5:12-1 et seq.),  
39 organizations are directed to invest in the Casino Reinvestment  
40 Development Authority to ensure that the development of housing  
41 for families of **[low and moderate income]** low- and moderate-  
42 income shall be provided. The Casino Reinvestment Development  
43 Authority **[, in consultation with the council,]** shall work to  
44 effectuate the purpose and intent of P.L.1985, c.222 (C.52:27D-301  
45 et al.).

46 e. **[The "Statewide Non-Residential Development Fee Act,"**  
47 sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through

1 C.40:55D-8.7), prohibits municipalities from imposing their own  
2 fees to fund affordable housing on non-residential development, and  
3 P.L.2009, c.90 (C.52:27D-489a et al.) is not intended to alter this  
4 underlying policy. **Deleted by amendment P.L. , c. (pending**  
5 **before the Legislature as this bill)**

6 f. The negative impact of a State policy that over-relies on a  
7 municipal fee structure and of State programs that require a  
8 municipality to impose fees and charges on developers must be  
9 balanced against any public good expected from such regulation. It  
10 is undisputable that the charging of fees at high levels dissuades  
11 commerce from locating within a State or municipality or locality  
12 and halts non-residential and residential development, and these ill  
13 effects directly increase the overall costs of housing, and could  
14 impede the constitutional obligation to provide for a realistic  
15 opportunity for housing for families at all income levels.  
16 (cf: P.L.2009, c.90, s.36)

17

18 14. Section 34 of P.L.2008, c.46 (C.40:55D-8.3) is amended to  
19 read as follows:

20 34. As used in sections 32 through 38 of P.L.2008, c.46  
21 (C.40:55D-8.1 through C.40:55D-8.7):

22 "Construction" means new construction and additions, but does  
23 not include alterations, reconstruction, renovations, and repairs as  
24 those terms are defined under the State Uniform Construction Code  
25 promulgated pursuant to the "State Uniform Construction Code  
26 Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

27 "Commissioner" means the Commissioner of Community  
28 Affairs.

29 **["Council" means the Council on Affordable Housing,**  
30 **established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).]**

31 **"Department" means the Department of Community Affairs.**

32 "Developer" means the legal or beneficial owner or owners of a  
33 lot or of any land proposed to be included in a proposed  
34 development, including the holder of an option or contract to  
35 purchase, or other person having an enforceable proprietary interest  
36 in such land.

37 "Equalized assessed value" means the assessed value of a  
38 property divided by the current average ratio of assessed to true  
39 value for the municipality in which the property is situated, as  
40 determined in accordance with sections 1, 5, and 6 of P.L.1973,  
41 c.123 (C.54:1-35a through C.54:1-35c).

42 "Mixed use development" means any development which  
43 includes both a non-residential development component and a  
44 residential development component, and shall include developments  
45 for which (1) there is a common developer for both the residential  
46 development component and the non-residential development  
47 component, provided that for purposes of this definition, multiple  
48 persons and entities may be considered a common developer if there

1 is a contractual relationship among them obligating each entity to  
2 develop at least a portion of the residential or non-residential  
3 development, or both, or otherwise to contribute resources to the  
4 development; and (2) the residential and non-residential  
5 developments are located on the same lot or adjoining lots,  
6 including but not limited to lots separated by a street, a river, or  
7 another geographical feature.

8 "Non-residential development" means: (1) any building or  
9 structure, or portion thereof, including but not limited to any  
10 appurtenant improvements, which is designated to a use group other  
11 than a residential use group according to the State Uniform  
12 Construction Code promulgated to effectuate the "State Uniform  
13 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.),  
14 including any subsequent amendments or revisions thereto; (2)  
15 hotels, motels, vacation timeshares, and child-care facilities; and (3)  
16 the entirety of all continuing care facilities within a continuing care  
17 retirement community which is subject to the "Continuing Care  
18 Retirement Community Regulation and Financial Disclosure Act,"  
19 P.L.1986, c.103 (C.52:27D-330 et seq.).

20 "Non-residential development fee" means the fee authorized to  
21 be imposed pursuant to sections 32 through 38 of P.L.2008, c.46  
22 (C.40:55D-8.1 through C.40:55D-8.7).

23 "Relating to the provision of housing" shall be liberally  
24 construed to include the construction, maintenance, or operation of  
25 housing, including but not limited to the provision of services to  
26 such housing and the funding of any of the above.

27 "Spending plan" means a method of allocating funds collected  
28 and to be collected pursuant to an approved municipal development  
29 fee ordinance, or pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.)  
30 for the purpose of meeting the housing needs of low and moderate  
31 income individuals.

32 "Treasurer" means the Treasurer of the State of New Jersey.  
33 (cf: P.L.2008, c.46, s.34)

34

35 15. Section 35 of P.L.2008, c.46 (C.40:55D-8.4) is amended to  
36 read as follows:

37 35. a. Beginning on the effective date of P.L.2008, c.46  
38 (C.52:27D-329.1 et al.), a fee is imposed on all construction resulting  
39 in non-residential development, as follows:

40 (1) A fee equal to two and one-half percent of the equalized  
41 assessed value of the land and improvements, for all new non-  
42 residential construction on an unimproved lot or lots; or

43 (2) A fee equal to two and one-half percent of the increase in  
44 equalized assessed value, of the additions to existing structures to be  
45 used for non-residential purposes.

46 b. All non-residential construction of buildings or structures on  
47 property used by churches, synagogues, mosques, and other houses of  
48 worship, and property used for educational purposes, which is tax-



1 exempt pursuant to R.S.54:4-3.6, shall be exempt from the imposition  
2 of a non-residential development fee pursuant to this section, provided  
3 that the property continues to maintain its tax exempt status under that  
4 statute for a period of at least three years from the date of issuance of  
5 the certificate of occupancy. In addition, the following shall be  
6 exempt from the imposition of a non-residential development fee:

7 (1) parking lots and parking structures, regardless of whether the  
8 parking lot or parking structure is constructed in conjunction with a  
9 non-residential development, such as an office building, or whether the  
10 parking lot is developed as an independent non-residential  
11 development;

12 (2) any non-residential development which is an amenity to be  
13 made available to the public, including, but not limited to, recreational  
14 facilities, community centers, and senior centers, which are developed  
15 in conjunction with or funded by a non-residential developer;

16 (3) non-residential construction resulting from a relocation of or  
17 an on-site improvement to a nonprofit hospital or a nursing home  
18 facility;

19 (4) projects that are located within a specifically delineated urban  
20 transit hub, as defined pursuant to section 2 of P.L.2007, c.346  
21 (C.34:1B-208);

22 (5) projects that are located within an eligible municipality, as  
23 defined under section 2 of P.L.2007, c.346 (C.34:1B-208), when a  
24 majority of the project is located within a one-half mile radius of the  
25 midpoint of a platform area for a light rail system; and

26 (6) projects determined by the New Jersey Transit Corporation to  
27 be consistent with a transit village plan developed by a transit village  
28 designated by the Department of Transportation.

29 A developer of a non-residential development exempted from the  
30 non-residential development fee pursuant to this section shall be  
31 subject to it at such time the basis for the exemption set forth in this  
32 subsection no longer applies, and shall make the payment of the non-  
33 residential development fee, in that event, within three years after that  
34 event or after the issuance of the final certificate of occupancy of the  
35 non-residential development whichever is later.

36 For purposes of this subsection, "recreational facilities and  
37 community center" means any indoor or outdoor buildings, spaces,  
38 structures, or improvements intended for active or passive recreation,  
39 including but not limited to ball fields, meeting halls, and classrooms,  
40 accommodating either organized or informal activity; and "senior  
41 center" means any recreational facility or community center with  
42 activities and services oriented towards serving senior citizens.

43 If a property which was exempted from the collection of a non-  
44 residential development fee thereafter ceases to be exempt from  
45 property taxation, the owner of the property shall remit the fees  
46 required pursuant to this section within 45 days of the termination of  
47 the property tax exemption. Unpaid non-residential development fees

1 under these circumstances may be enforceable by the municipality as a  
2 lien against the real property of the owner.

3 c. (1) Unless authorized to pay directly to the municipality in  
4 which the non-residential construction is occurring in accordance with  
5 paragraph (2) of this subsection, developers shall pay non-residential  
6 development fees imposed pursuant to P.L.2008, c.46 (C.52:27D-  
7 329.1 et al.) to the Treasurer, in accordance with subsection g. of this  
8 section in a manner and on such forms as required by the Treasurer,  
9 provided that a certified proof concerning the payment shall be  
10 furnished by the Treasurer, to the municipality.

11 (2) The **【council】** department shall maintain on its Internet  
12 website a list of each municipality that is authorized to use the  
13 development fees collected pursuant to this section and that has a  
14 confirmed status of compliance with the "Fair Housing Act,"  
15 P.L.1985, c.222 (C.52:27D-301 et al.) , or is in the process of seeking  
16 compliance certification, which compliance shall include a spending  
17 plan **【authorized by the council】** pursuant to section 8 of P.L.2008,  
18 c.46 (C.52:27D-329.2) for all development fees collected.

19 (3) No later than 90 days following the enactment of P.L. , c.  
20 (C. ) (pending before the Legislature as this bill), any municipality  
21 that is or has been authorized to retain and expend non-residential  
22 development fees shall provide the department with a detailed  
23 accounting of all such fees that have been collected and expended  
24 since the inception of the municipal authorization to collect and retain  
25 said fees.

26 (4) Beginning with the year after the enactment of P.L. , c.  
27 (C. ) (pending before the Legislature as this bill), by <sup>2</sup>【January】  
28 February<sup>2</sup> 15, every municipality that is or has been authorized to  
29 retain and expend non-residential development fees shall provide the  
30 department with a detailed accounting of all such fees that have been  
31 collected and expended previous year.

32 d. The payment of non-residential development fees required  
33 pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1  
34 through C.40:55D-8.7) shall be made prior to the issuance of a  
35 certificate of occupancy for such development. A final certificate of  
36 occupancy shall not be issued for any non-residential development  
37 until such time as the fee imposed pursuant to this section has been  
38 paid by the developer. A non-residential developer may deposit with  
39 the appropriate entity the development fees as calculated by the  
40 municipality under protest, and the local code enforcement official  
41 shall thereafter issue the certificate of occupancy provided that the  
42 construction is otherwise eligible for a certificate of occupancy.

43 e. The construction official responsible for the issuance of a  
44 building permit shall notify the local tax assessor of the issuance of the  
45 first building permit for a development which may be subject to a non-  
46 residential development fee. Within 90 days of receipt of that notice,  
47 the municipal tax assessor, based on the plans filed, shall provide an  
48 estimate of the equalized assessed value of the non-residential

1 development. The construction official responsible for the issuance of  
2 a final certificate of occupancy shall notify the local assessor of any  
3 and all requests for the scheduling of a final inspection on property  
4 which may be subject to a non-residential development fee. Within 10  
5 business days of a request for the scheduling of a final inspection, the  
6 municipal assessor shall confirm or modify the previously estimated  
7 equalized assessed value of the improvements of the non-residential  
8 development in accordance with the regulations adopted by the  
9 Treasurer pursuant to P.L.1971, c.424 (C.54:1-35.35); calculate the  
10 non-residential development fee pursuant to sections 32 through 38 of  
11 P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7); and thereafter  
12 notify the developer of the amount of the non-residential development  
13 fee. Should the municipality fail to determine or notify the developer  
14 of the amount of the non-residential development fee within 10  
15 business days of the request for final inspection, the developer may  
16 estimate the amount due and pay that estimated amount consistent with  
17 the dispute process set forth in subsection b. of section 37 of P.L.2008,  
18 c.46 (C.40:55D-8.6). Upon tender of the estimated non-residential  
19 development fee, provided the developer is in full compliance with all  
20 other applicable laws, the municipality shall issue a final certificate of  
21 occupancy for the subject property. Failure of the municipality to  
22 comply with the timeframes or procedures set forth in this subsection  
23 may subject it to penalties to be imposed by the commissioner; any  
24 penalties so imposed shall be deposited into the "New Jersey  
25 Affordable Housing Trust Fund" established pursuant to section 20 of  
26 P.L.1985, c.222 as amended by section 17 of P.L.2008, c.46  
27 (C.52:27D-320).

28 A developer of a mixed use development shall be required to pay  
29 the Statewide non-residential development fee relating to the non-  
30 residential development component of a mixed use development  
31 subject to the provisions of P.L.2008, c.46 (C.52:27D-329.1 et al.).

32 Non-residential construction which is connected with the  
33 relocation of the facilities of a for-profit hospital shall be subject to the  
34 fee authorized to be imposed under this section to the extent of the  
35 increase in equalized assessed valuation in accordance with regulations  
36 to be promulgated by the Director of the Division of Taxation,  
37 Department of the Treasury.

38 f. Any municipality that is not in compliance with the  
39 requirements established pursuant to sections 32 through 38 of  
40 P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7), or regulations of  
41 the **【council】** commissioner adopted thereto, may be subject to  
42 forfeiture of any or all funds remaining within its municipal  
43 development trust fund. Any funds so forfeited shall be deposited into  
44 the New Jersey Affordable Housing Trust Fund established pursuant to  
45 section 20 of P.L.1985, c.222 as amended by section 17 of P.L.2008,  
46 c.46 (C.52:27D-320).

47 g. The Treasurer shall credit to the "Urban Housing Assistance  
48 Fund," established pursuant to section 13 of P.L.2008, c.46 (C.52:27D-

1 329.7) annually from the receipts of the fees authorized to be imposed  
2 pursuant to this section an amount equal to \$20 million; all receipts in  
3 excess of this amount shall be deposited into the "New Jersey  
4 Affordable Housing Trust Fund," established pursuant to section 20 of  
5 P.L.1985, c.222 as amended by section 17 of P.L.2008, c.46  
6 (C.52:27D-320), to be used for the purposes of that fund.

7 The Treasurer shall adopt such regulations as necessary to  
8 effectuate sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1  
9 through C.40:55D-8.7), in accordance with the "Administrative  
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

11 (cf: P.L.2008, c.46, s.35)

12

13 16. Section 36 of P.L.2008, c.46 (C.40:55D-8.5) is amended to  
14 read as follows:

15 36. a. The commissioner **],** in consultation with the council,**]**  
16 shall promulgate, in accordance with the provisions of the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
18 seq.), such regulations as are necessary for the prompt and effective  
19 implementation of the provisions and purposes of **[P.L.2008, c.46**  
20 **(C.52:27D-329.1 et al.)]** section 8 of P.L.2008, c.46 (C.52:27D-  
21 329.2), including, but not limited to, provisions for the payment of  
22 any necessary administrative costs related to the assessment of  
23 properties and collection of any development fees by a  
24 municipality.

25 b. **[Notwithstanding the authority granted to the commissioner**  
26 **herein, the council]** The commissioner shall adopt and promulgate,  
27 in accordance with the provisions of the "Administrative Procedure  
28 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such regulations as are  
29 necessary for the effectuation of P.L.2008, c.46 (C.52:27D-329.1 et  
30 al.), including but not limited to, regulations necessary for the  
31 establishment, implementation, review, monitoring, and  
32 enforcement of a municipal affordable housing trust fund and  
33 spending plan.

34 (cf: P.L.2008, c.46, s.36)

35

36 17. Section 38 of P.L.2008, c.46 (C.40:55D-8.7) is amended to  
37 read as follows:

38 38. a. Except as expressly provided in P.L.2008, c.46  
39 (C.52:27D-329.1 et al.),<sub>2</sub> including subsection b. of this section, any  
40 provision of a local ordinance which imposes a fee for the  
41 development of affordable housing upon a developer of non-  
42 residential property, including any and all development fee  
43 ordinances adopted in accordance with any regulations of the  
44 **[Council on Affordable Housing]** department, or any provision of  
45 an ordinance which imposes an obligation relating to the provision  
46 of housing affordable to **[low and moderate income]** low- and  
47 moderate-income households, or payment in-lieu of building as a

1 condition of non-residential development, shall be void and of no  
2 effect. A provision of an ordinance which imposes a development  
3 fee which is not prohibited by any provision of P.L.2008, c.46  
4 (C.52:27D-329.1 et al.) shall not be invalidated by this section.

5 b. No affordable housing obligation shall be imposed  
6 concerning a mixed use development that would result in an  
7 affordable housing obligation greater than that which would have  
8 been imposed if the residential portion of the mixed use  
9 development had been developed independently of the non-  
10 residential portion of the mixed use development.

11 c. Whenever the developer of a non-residential development  
12 regulated under P.L.1977, c.110 (C.5:12-1 et seq.) has made or  
13 committed itself to make a financial or other contribution relating to  
14 the provision of housing affordable to low and moderate income  
15 households, the non-residential development fee authorized  
16 pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) shall be satisfied  
17 through the investment obligations made pursuant to P.L.1977,  
18 c.110 (C.5:12-1 et seq.).

19 (cf: P.L.2008, c.46, s.38)

20

21 18. Section 39 of P.L.2009, c.90 (C.40:55D-8.8) is amended to  
22 read as follows:

23 39. The provisions of this section shall apply only to those  
24 developments for which a fee was imposed pursuant to sections 32  
25 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7),  
26 known as the "Statewide Non-residential Development Fee Act."

27 a. A developer of a property that received preliminary site plan  
28 approval, pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46),  
29 or final approval, pursuant to section 38 of P.L.1975, c.291  
30 (C.40:55D-50) prior to July 17, 2008 and that was subject to the  
31 payment of a nonresidential development fee prior to the enactment  
32 of P.L.2009, c.90 (C.52:27D-489a et al.), shall be entitled to a  
33 return of any moneys paid that represent the difference between  
34 moneys committed prior to July 17, 2008 and monies paid on or  
35 after that date.

36 b. A developer of a non-residential project that, prior to July  
37 17, 2008, has been referred to a planning board by the State, a  
38 governing body, or other public agency for review pursuant to  
39 section 22 of P.L.1975, c.291 (C.40:55D-31) and that was subject to  
40 the payment of a nonresidential development fee prior to the  
41 enactment of P.L.2009, c.90 (C.52:27D-489a et al.), shall be  
42 entitled to a return of any moneys paid that represent the difference  
43 between moneys committed prior to July 17, 2008 and moneys paid  
44 on or after that date.

45 c. If moneys are required to be returned under subsection a., b.  
46 or d. of this section, a claim shall be submitted, in writing, to the  
47 same entity to which the moneys were paid, within 120 days of the  
48 effective date of P.L.2009, c.90 (C.52:27D-489a et al.). The entity

1 to whom the funds were paid shall promptly review all requests for  
2 returns, and the fees paid shall be returned to the claimant within 30  
3 days of receipt of the claim for return.

4 d. A developer of a non-residential project that paid a fee  
5 imposed pursuant to sections 32 through 38 of P.L.2008, c.46  
6 (C.40:55D-8.1 through C.40:55D-8.7), subsequent to July 17, 2008  
7 but prior to the effective date of P.L.2009, c.90 (C.52:27D-489a et  
8 al.), shall be entitled to the return of those moneys paid, provided  
9 that the provisions of section 37 of P.L.2008, c.46 (C.40:55D-8.6),  
10 as amended by P.L.2009, c.90 do not permit the imposition of a fee  
11 upon the developer of that non-residential property.

12 e. **【**Notwithstanding the provisions of subsections a., b., c., and  
13 d. of this section, if, on the effective date of P.L.2009, c.90  
14 (C.52:27D-489a et al.), a municipality that has returned all or a  
15 portion of non-residential fees in accordance with subsection a. or  
16 b. of this section shall be reimbursed from the funds available  
17 through the appropriation made into the "New Jersey Affordable  
18 Housing Trust Fund" pursuant to section 41 of P.L.2009, c.90  
19 (C.52:27D-320.1) within 30 days of the municipality providing  
20 written notice to the Council on Affordable Housing. **】** (Deleted by  
21 amendment, P.L. , c. ) (pending before the Legislature as this  
22 bill)

23 f. A developer of a non-residential project that paid a fee  
24 imposed pursuant to sections 32 through 38 of P.L.2008, c.46  
25 (C.40:55D-8.1 through C.40:55D-8.7), subsequent to June 30, 2010  
26 but prior to the effective date of P.L.2011, c.122, shall be entitled to  
27 the return of those monies paid, provided that said monies have not  
28 already been expended by the municipality on affordable housing  
29 projects, and provided that the provisions of section 37 of P.L.2008,  
30 c.46 (C.40:55D-8.6), as amended by P.L.2011, c.122 do not permit  
31 the imposition of a fee upon the developer of that non-residential  
32 property. If moneys are eligible to be returned under this  
33 subsection, a claim shall be submitted, in writing, to the same entity  
34 to which the moneys were paid, within 120 days of the effective  
35 date of P.L.2011, c.122. The entity to whom the funds were paid  
36 shall promptly review all requests for returns, to ensure  
37 applicability of section 37 of P.L.2008, c.46 (C.40:55D-8.6) and the  
38 fees paid shall be returned to the claimant within 30 days of receipt  
39 of the claim for return.

40 (cf: P.L.2011, c.122, s.2)

41

42 19. Section 3 of P.L.1993, c.32 (C.40:55D-40.3) is amended to  
43 read as follows:

44 3. a. There is established in, but not of, the department a Site  
45 Improvement Advisory Board, to devise statewide site improvement  
46 standards pursuant to section 4 of **【**this act**】** P.L.1993, c.32  
47 (C.40:55D-40.4). The board shall consist of the commissioner or  
48 **【**his**】** the commissioner's designee, who shall be a non-voting

1 member of the board, the Director of the Division of **[Housing]**  
 2 Codes and Standards in the Department of Community Affairs, who  
 3 shall be a voting member of the board, the Executive Director of the  
 4 New Jersey Housing and Mortgage Finance Agency, or the  
 5 executive director's designee, who shall be a voting member of the  
 6 board, and **[10]** nine other voting members, to be appointed by the  
 7 commissioner. The other members shall include two professional  
 8 planners, one of whom serves as a planner for a governmental entity  
 9 or whose professional experience is predominantly in the public  
 10 sector and who has worked in the public sector for at least the  
 11 previous five years and the other of whom serves as a planner in  
 12 private practice and has particular expertise in private residential  
 13 development and has been involved in private sector planning for at  
 14 least the previous five years, and one representative each from:

- 15 (1) The New Jersey Society of Professional Engineers;
- 16 (2) The New Jersey Society of Municipal Engineers;
- 17 (3) The New Jersey Association of County Engineers;
- 18 (4) The New Jersey Federation of Planning Officials;
- 19 (5) **[The Council on Affordable Housing]** (Deleted by  
 20 amendment, P.L. , c. (pending before the Legislature as this  
 21 bill);
- 22 (6) The New Jersey Builders' Association;
- 23 (7) The New Jersey Institute of Technology;
- 24 (8) The New Jersey State League of Municipalities.

25 b. Among the members to be appointed by the commissioner  
 26 who are first appointed, four shall be appointed for terms of two  
 27 years each, four shall be appointed for terms of three years each,  
 28 and two shall be appointed for terms of four years each. Thereafter,  
 29 each appointee shall serve for a term of four years. Vacancies in  
 30 the membership shall be filled in the same manner as original  
 31 appointments are made, for the unexpired term. The **[commission]**  
 32 board shall select a chair from among its members **[a chairman]**.  
 33 Members may be removed by the commissioner for cause.

34 c. Board members shall serve without compensation, but may  
 35 be entitled to reimbursement, from moneys appropriated or  
 36 otherwise made available for the purposes of this act, for expenses  
 37 incurred in the performance of their duties.

38 (cf: P.L.1993, c.32, s.3)

39

40 20. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
 41 read as follows:

42 3. As used in **[this act]** P.L.1992, c.79 (C.40A:12A-1 et seq.):

43 "Bonds" means any bonds, notes, interim certificates, debentures  
 44 or other obligations issued by a municipality, county,  
 45 redevelopment entity, or housing authority pursuant to P.L.1992,  
 46 c.79 (C.40A:12A-1 et al.).

1 "Comparable, affordable replacement housing" means newly-  
2 constructed or substantially rehabilitated housing to be offered to a  
3 household being displaced as a result of a redevelopment project,  
4 that is affordable to that household based on its income under the  
5 guidelines established by the **【Council on Affordable Housing in**  
6 **the Department of Community Affairs】** New Jersey Housing and  
7 Mortgage Finance Agency for maximum affordable sales prices or  
8 maximum fair market rents, and that is comparable to the  
9 household's dwelling in the redevelopment area with respect to the  
10 size and amenities of the dwelling unit, the quality of the  
11 neighborhood, and the level of public services and facilities offered  
12 by the municipality in which the redevelopment area is located.

13 "Development" means the division of a parcel of land into two or  
14 more parcels, the construction, reconstruction, conversion,  
15 structural alteration, relocation, or enlargement of any building or  
16 other structure, or of any mining, excavation or landfill, and any use  
17 or change in the use of any building or other structure, or land or  
18 extension of use of land, for which permission may be required  
19 pursuant to the "Municipal Land Use Law," P.L.1975, c.291  
20 (C.40:55D-1 et seq.).

21 "Electric vehicle charging station" means an electric component  
22 assembly or cluster of component assemblies designed specifically  
23 to charge batteries within electric vehicles by permitting the transfer  
24 of electric energy to a battery or other storage device in an electric  
25 vehicle.

26 "Governing body" means the body exercising general legislative  
27 powers in a county or municipality according to the terms and  
28 procedural requirements set forth in the form of government  
29 adopted by the county or municipality.

30 "Housing authority" means a housing authority created or  
31 continued pursuant to this act.

32 "Housing project" means a project, or distinct portion of a  
33 project, which is designed and intended to provide decent, safe and  
34 sanitary dwellings, apartments or other living accommodations for  
35 persons of **【low and moderate income】** low- and moderate-income;  
36 such work or undertaking may include buildings, land, equipment,  
37 facilities and other real or personal property for necessary,  
38 convenient or desirable appurtenances, streets, sewers, water  
39 service, parks, site preparation, gardening, administrative,  
40 community, health, recreational, educational, welfare or other  
41 purposes. The term "housing project" also may be applied to the  
42 planning of the buildings and improvements, the acquisition of  
43 property, the demolition of existing structures, the construction,  
44 reconstruction, alteration and repair of the improvements and all  
45 other work in connection therewith.

46 "Parking authority" means a public corporation created pursuant  
47 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et



1 seq.), and authorized to exercise redevelopment powers within the  
2 municipality.

3 "Persons of **low and moderate income** low- and moderate-  
4 income" means persons or families who are, in the case of State  
5 assisted projects or programs, so defined by the **Council on**  
6 **Affordable Housing in the Department of Community Affairs** New  
7 Jersey Housing and Mortgage Finance Agency, or in the case of  
8 federally assisted projects or programs, defined as of **"low and**  
9 **very low income"** low- and very low-income" by the United  
10 States Department of Housing and Urban Development.

11 "Public body" means the State or any county, municipality,  
12 school district, authority or other political subdivision of the State.

13 "Public electric vehicle charging station" means an electric  
14 vehicle charging station located at a publicly available parking  
15 space.

16 "Public housing" means any housing for persons of **low and**  
17 **moderate income** low- and moderate-income owned by a  
18 municipality, county, the State or the federal government, or any  
19 agency or instrumentality thereof.

20 "Public hydrogen fueling station" means publicly available  
21 equipment to store and dispense hydrogen fuel to vehicles  
22 according to industry codes and standards.

23 "Publicly assisted housing" means privately owned housing  
24 which receives public assistance or subsidy, which may be grants or  
25 loans for construction, reconstruction, conservation, or  
26 rehabilitation of the housing, or receives operational or maintenance  
27 subsidies either directly or through rental subsidies to tenants, from  
28 a federal, State or local government agency or instrumentality.

29 "Publicly available parking space" means a parking space that is  
30 available to, and accessible by, the public and may include on-street  
31 parking spaces and parking spaces in surface lots or parking  
32 garages, but shall not include: a parking space that is part of, or  
33 associated with, a private residence; or a parking space that is  
34 reserved for the exclusive use of an individual driver or vehicle or  
35 for a group of drivers or vehicles, such as employees, tenants,  
36 visitors, residents of a common interest development, or residents  
37 of an adjacent building.

38 "Real property" means all lands, including improvements and  
39 fixtures thereon, and property of any nature appurtenant thereto or  
40 used in connection therewith, and every estate, interest and right,  
41 legal or equitable, therein, including terms for years and liens by  
42 way of judgment, mortgage or otherwise, and indebtedness secured  
43 by such liens.

44 "Redeveloper" means any person, firm, corporation or public  
45 body that shall enter into or propose to enter into a contract with a  
46 municipality or other redevelopment entity for the redevelopment or  
47 rehabilitation of an area in need of redevelopment, or an area in

1 need of rehabilitation, or any part thereof, under the provisions of  
2 this act, or for any construction or other work forming part of a  
3 redevelopment or rehabilitation project.

4 "Redevelopment" means clearance, replanning, development and  
5 redevelopment; the conservation and rehabilitation of any structure  
6 or improvement, the construction and provision for construction of  
7 residential, commercial, industrial, public or other structures and  
8 the grant or dedication of spaces as may be appropriate or necessary  
9 in the interest of the general welfare for streets, parks, playgrounds,  
10 or other public purposes, including recreational and other facilities  
11 incidental or appurtenant thereto, in accordance with a  
12 redevelopment plan.

13 "Redevelopment agency" means a redevelopment agency created  
14 pursuant to subsection a. of section 11 of P.L.1992, c.79  
15 (C.40A:12A-11) or established heretofore pursuant to the  
16 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
17 al.), repealed by this act, which has been permitted in accordance  
18 with the provisions of **[this act]** P.L.1992, c.79 (C.40A:12A-1 et  
19 seq.) to continue to exercise its redevelopment functions and  
20 powers.

21 "Redevelopment area" or "area in need of redevelopment" means  
22 an area determined to be in need of redevelopment pursuant to  
23 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6)  
24 or determined heretofore to be a "blighted area" pursuant to  
25 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
26 determinations as made pursuant to the authority of Article VIII,  
27 Section III, paragraph 1 of the Constitution. A redevelopment area  
28 may include lands, buildings, or improvements which of themselves  
29 are not detrimental to the public health, safety or welfare, but the  
30 inclusion of which is found necessary, with or without change in  
31 their condition, for the effective redevelopment of the area of which  
32 they are a part.

33 "Redevelopment entity" means a municipality or an entity  
34 authorized by the governing body of a municipality pursuant to  
35 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
36 implement redevelopment plans and carry out redevelopment  
37 projects in an area in need of redevelopment, or in an area in need  
38 of rehabilitation, or in both.

39 "Redevelopment plan" means a plan adopted by the governing  
40 body of a municipality for the redevelopment or rehabilitation of all  
41 or any part of a redevelopment area, or an area in need of  
42 rehabilitation, which plan shall be sufficiently complete to indicate  
43 its relationship to definite municipal objectives as to appropriate  
44 land uses, public transportation and utilities, recreational and  
45 municipal facilities, and other public improvements; and to indicate  
46 proposed land uses and building requirements in the redevelopment  
47 area or area in need of rehabilitation, or both.

1 "Redevelopment project" means any work or undertaking  
2 pursuant to a redevelopment plan; such undertaking may include  
3 any buildings, land, including demolition, clearance or removal of  
4 buildings from land, equipment, facilities, or other real or personal  
5 properties which are necessary, convenient, or desirable  
6 appurtenances, such as but not limited to streets, sewers, utilities,  
7 parks, site preparation, landscaping, and administrative, community,  
8 health, recreational, educational, and welfare facilities, and zero-  
9 emission vehicle fueling and charging infrastructure.

10 "Rehabilitation" means an undertaking, by means of extensive  
11 repair, reconstruction or renovation of existing structures, with or  
12 without the introduction of new construction or the enlargement of  
13 existing structures, in any area that has been determined to be in  
14 need of rehabilitation or redevelopment, to eliminate substandard  
15 structural or housing conditions and arrest the deterioration of that  
16 area.

17 "Rehabilitation area" or "area in need of rehabilitation" means  
18 any area determined to be in need of rehabilitation pursuant to  
19 section 14 of P.L.1992, c.79 (C.40A:12A-14).

20 "Zero-emission vehicle" means a vehicle certified as a zero  
21 emission vehicle pursuant to the California Air Resources Board  
22 zero emission vehicle standards for the applicable model year,  
23 including but not limited to, battery electric-powered vehicles and  
24 hydrogen fuel cell vehicles.

25 "Zero-emission vehicle fueling and charging infrastructure"  
26 means infrastructure to charge or fuel zero-emission vehicles,  
27 including but not limited to, public electric vehicle charging  
28 stations and public hydrogen fueling stations.

29 (cf: P.L.2021, c.168, s.1)

30

31 21. Section 16 of P.L.1992, c.79 (C.40A:12A-16) is amended to  
32 read as follows:

33 16. a. In order to carry out the housing purposes of this act, a  
34 municipality, county, or housing authority may exercise the  
35 following powers, in addition to those set forth in section 22 of  
36 P.L.1992, c.79 (C.40A:12A-22):

37 (1) Plan, construct, own, and operate housing projects; maintain,  
38 reconstruct, improve, alter, or repair any housing project or any part  
39 thereof; and for these purposes, receive and accept from the State or  
40 federal government, or any other source, funds or other financial  
41 assistance;

42 (2) Lease or rent any dwelling house, accommodations, lands,  
43 buildings, structures or facilities embraced in any housing project;  
44 and pursuant to the provisions of this act, establish and revise the  
45 rents and charges therefor;

46 (3) Acquire property pursuant to subsection i. of section 22 of  
47 P.L.1992, c.79 (C.40A:12A-22);

- 1 (4) Acquire, by condemnation, any land or building which is  
2 necessary for the housing project, pursuant to the provisions of the  
3 "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.);
- 4 (5) Issue bonds in accordance with the provisions of section 29  
5 of P.L.1992, c.79 (C.40A:12A-29);
- 6 (6) Cooperate with any other municipality, private, county, State  
7 or federal entity to provide funds to the municipality or other  
8 governmental entity and to homeowners, tenant associations,  
9 nonprofit or private developers to acquire, construct, rehabilitate or  
10 operate publicly assisted housing, and to provide rent subsidies for  
11 persons of **low and moderate income** low- and moderate-income,  
12 including the elderly, pursuant to applicable State or federal  
13 programs;
- 14 (7) Encourage the use of demand side subsidy programs such as  
15 certificates and vouchers for low-income families and promote the  
16 use of project based certificates which provide subsidies for units in  
17 newly constructed and substantially rehabilitated structures, and of  
18 tenant based certificates which subsidize rent in existing units;
- 19 (8) Cooperate with any State or federal entity to secure  
20 mortgage assistance for any person of **low or moderate income**  
21 low- or moderate-income;
- 22 (9) Provide technical assistance and support to nonprofit  
23 organizations and private developers interested in constructing **low**  
24 **and moderate income** low- and moderate-income housing;
- 25 (10) If it owns and operates public housing units, provide to the  
26 tenants public safety services, including protection against  
27 substance use disorder, and social services, including counseling  
28 and financial management, in cooperation with other agencies;
- 29 (11) Provide emergency shelters, transitional housing and  
30 supporting services to homeless families and individuals.
- 31 b. All housing projects, programs and actions undertaken  
32 pursuant to this act shall accord with the housing element of the  
33 master plan of the municipality within which undertaken, and with  
34 any fair share housing plan **filed by** of the municipality **with the**  
35 **Council on Affordable Housing, based upon the council's criteria**  
36 **and guidelines**, adopted pursuant to the "Fair Housing Act,"  
37 P.L.1985, c.222 (C.52:27D-301 et al.) **whether or not the**  
38 **municipality has petitioned for substantive certification of the**  
39 **plan**.

40 (cf: P.L.2017, c.131, s.176)

41

42 22. Section 10 of P.L.1985, c.222 (C.52:27D-310) is amended to  
43 read as follows:

44 10. A municipality's housing element shall be designed to achieve  
45 the goal of access to affordable housing to meet present and  
46 prospective housing needs, with particular attention to **low and**

1 moderate income] low- and moderate-income housing, and shall  
2 contain at least:

3 a. An inventory of the municipality's housing stock by age,  
4 condition, purchase or rental value, occupancy characteristics, and  
5 type, including the number of units affordable to [low and moderate  
6 income] low- and moderate-income households and substandard  
7 housing capable of being rehabilitated, and in conducting this  
8 inventory the municipality shall have access, on a confidential basis  
9 for the sole purpose of conducting the inventory, to all necessary  
10 property tax assessment records and information in the assessor's  
11 office, including but not limited to the property record cards;

12 b. A projection of the municipality's housing stock, including the  
13 probable future construction of [low and moderate income] low- and  
14 moderate-income housing, for the next ten years, taking into account,  
15 but not necessarily limited to, construction permits issued, approvals  
16 of applications for development and probable residential development  
17 of lands;

18 c. An analysis of the municipality's demographic characteristics,  
19 including but not necessarily limited to, household size, income level  
20 and age;

21 d. An analysis of the existing and probable future employment  
22 characteristics of the municipality;

23 e. A determination of the municipality's present and prospective  
24 fair share for [low and moderate income] low- and moderate-income  
25 housing and its capacity to accommodate its present and prospective  
26 housing needs, including its fair share for [low and moderate income]  
27 low- and moderate-income housing, as established pursuant to section  
28 3 of P.L. , c. (C. ) (pending before the Legislature as this bill);

29 f. A consideration of the lands that are most appropriate for  
30 construction of [low and moderate income] low- and moderate-  
31 income housing and of the existing structures most appropriate for  
32 conversion to, or rehabilitation for, [low and moderate income] low-  
33 and moderate-income housing, including a consideration of lands of  
34 developers who have expressed a commitment to provide [low and  
35 moderate income] low- and moderate-income housing; <sup>2</sup>[and]<sup>2</sup>

36 g. An analysis of the extent to which municipal ordinances and  
37 other local factors advance or detract from the goal of preserving  
38 multigenerational family continuity as expressed in the  
39 recommendations of the Multigenerational Family Housing Continuity  
40 Commission, adopted pursuant to paragraph (1) of subsection f. of  
41 section 1 of P.L.2021, c.273 (C.52:27D-329.20) <sup>2</sup>;

42 h. For a municipality located within the jurisdiction of the  
43 Highlands Water Protection and Planning Council, established  
44 pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of  
45 compliance of the housing element with the Highlands Regional  
46 Master Plan of lands in the Highlands Preservation Area, and lands in  
47 the Highlands Planning Area for Highlands-conforming

1 municipalities. This analysis shall include consideration of the  
 2 municipality's most recent Highlands Municipal Build Out Report,  
 3 consideration of opportunities for redevelopment of existing developed  
 4 lands into inclusionary or 100 percent affordable housing, or both, and  
 5 opportunities for 100 percent affordable housing in both the Highlands  
 6 Planning Area and Highlands Preservation Area that are consistent  
 7 with the Highlands regional master plan; and

8 i. An analysis of consistency with the State Development and  
 9 Redevelopment Plan, including water, wastewater, stormwater, and  
 10 multi-modal transportation based on guidance and technical assistance  
 11 from the State Planning Commission<sup>2</sup>.

12 (cf: P.L.2021, c.273, s.2)

13

14 23. Section 1 of P.L.1995, c.231 (C.52:27D-310.1) is amended to  
 15 read as follows:

16 1. Any municipality that receives an adjustment of its prospective  
 17 need obligations for the fourth round or subsequent rounds based on a  
 18 lack of vacant land shall as part of the process of adopting and  
 19 implementing its housing element and fair share plan identify  
 20 sufficient parcels likely to redevelop during the current round of  
 21 obligations to address at least 25 percent of the prospective need  
 22 obligation that has been adjusted, and adopt realistic zoning that  
 23 allows for such adjusted obligation, or demonstrate why the  
 24 municipality is unable to do so. When computing a municipal  
 25 adjustment regarding available land resources as part of the  
 26 determination of a municipality's fair share of affordable housing, the  
 27 **【Council on Affordable Housing】** municipality, in filing a housing  
 28 element and fair share plan pursuant to subsection f. of section 3 of  
 29 P.L. , c. (C. and C. ) (pending before the Legislature as  
 30 this bill), shall exclude from designating , and the process set forth  
 31 pursuant to sections 3 and 4 of P.L. , c. (C. and C. )  
 32 (pending before the Legislature as this bill) shall confirm was correctly  
 33 excluded, as vacant land:

34 (a) any land that is owned by a local government entity that as of  
 35 January 1, 1997, has adopted, prior to the institution of a lawsuit  
 36 seeking a builder's remedy or prior to the filing of a petition for  
 37 substantive certification of a housing element and fair share plan, a  
 38 resolution authorizing an execution of agreement that the land be  
 39 utilized for a public purpose other than housing;

40 (b) any land listed on a master plan of a municipality as being  
 41 dedicated, by easement or otherwise, for purposes of conservation,  
 42 park lands or open space and which is owned, leased, licensed, or in  
 43 any manner operated by a county, municipality or tax-exempt,  
 44 nonprofit organization including a local board of education, or by  
 45 more than one municipality by joint agreement pursuant to P.L.1964,  
 46 c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such  
 47 ownership, lease, license, or operational control of such land;

1 (c) any vacant contiguous parcels of land in private ownership of a  
2 size which would accommodate fewer than five housing units **【if**  
3 **current standards of the council were applied】** based on appropriate  
4 standards pertaining to housing density;

5 (d) historic and architecturally important sites listed on the State  
6 Register of Historic Places or National Register of Historic Places  
7 prior to the **【submission of the petition of substantive certification】**  
8 date of filing a housing element and fair share plan pursuant to section  
9 3, or initiation of an action pursuant to section 4 of P.L. , c. (C.  
10 or C. ) (pending before the Legislature as this bill);

11 (e) agricultural lands when the development rights to these lands  
12 have been purchased or restricted by covenant;

13 (f) sites designated for active recreation that are designated for  
14 recreational purposes in the municipal master plan; and

15 (g) environmentally sensitive lands where development is  
16 prohibited by any State or federal agency <sup>2</sup>, including, but not limited  
17 to, the Highlands Water Protection and Planning Council, established  
18 pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the  
19 Highlands Preservation Area, and lands in the Highlands Planning  
20 Area for Highlands-conforming municipalities<sup>2</sup>.

21 No municipality shall be required to utilize for affordable housing  
22 purposes land that is excluded from being designated as vacant land.  
23 (cf: P.L.2008, c.46, s.39)

24  
25 24. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to  
26 read as follows:

27 11. a. In adopting its housing element, the municipality may  
28 provide for its fair share of **【low and moderate income】** low- and  
29 moderate-income housing by means of any technique or combination  
30 of techniques which provide a realistic opportunity for the provision of  
31 the fair share. The housing element shall contain an analysis  
32 demonstrating that it will provide such a realistic opportunity, and the  
33 municipality shall establish that its land use and other relevant  
34 ordinances have been revised to incorporate the provisions for **【low**  
35 **and moderate income】** low- and moderate-income housing. In  
36 preparing the housing element, the municipality shall consider the  
37 following techniques for providing **【low and moderate income】** low-  
38 and moderate-income housing within the municipality, as well as such  
39 other appropriate techniques as have been established through  
40 applicable precedent and may be **【published by the council or**  
41 **proposed】** employed by the municipality:

42 (1) Rezoning for densities necessary to assure the economic  
43 viability of any inclusionary developments, either through mandatory  
44 set-asides or density bonuses, as may be necessary to meet all or part  
45 of the municipality's fair share in accordance with **【the regulations of**  
46 **the council and】** the provisions of subsection h. of this section;

- 1 (2) Determination of the total residential zoning necessary to  
2 assure that the municipality's fair share is achieved;
- 3 (3) Determination of measures that the municipality will take to  
4 assure that **low and moderate income** low- and moderate-income  
5 units remain affordable to **low and moderate income** low- and  
6 moderate-income households for an appropriate period of not less than  
7 **six years** the period required by the regulations adopted by the  
8 Department of Community Affairs pursuant to section 21 of P.L.1985,  
9 c.222 (C.52:27D-321);
- 10 (4) A plan for infrastructure expansion and rehabilitation and  
11 conversion or redevelopment of unused or underutilized real property,  
12 including existing structures, if necessary to assure the achievement of  
13 the municipality's fair share of **low and moderate income** low- and  
14 moderate-income housing;
- 15 (5) Donation or use of municipally owned land or land condemned  
16 by the municipality for purposes of providing **low and moderate**  
17 **income** low- and moderate-income housing;
- 18 (6) Tax abatements for purposes of providing **low and moderate**  
19 **income** low- and moderate-income housing;
- 20 (7) Utilization of funds obtained from any State or federal subsidy  
21 toward the construction of **low and moderate income** low- and  
22 moderate-income housing;
- 23 (8) Utilization of municipally generated funds toward the  
24 construction of **low and moderate income** low- and moderate-  
25 income housing; and
- 26 (9) The purchase of privately owned real property used for  
27 residential purposes at the value of all liens secured by the property,  
28 excluding any tax liens, notwithstanding that the total amount of debt  
29 secured by liens exceeds the appraised value of the property, pursuant  
30 to regulations promulgated by the Commissioner of Community  
31 Affairs pursuant to subsection b. of section 41 of P.L.2000, c.126  
32 (C.52:27D-311.2).
- 33 b. The municipality may provide for a phasing schedule for the  
34 achievement of its fair share of **low and moderate income** low- and  
35 moderate-income housing.
- 36 c. (Deleted by amendment, P.L.2008, c.46)
- 37 d. Nothing in P.L.1985, c.222 (C.52:27D-301 et al.) shall require  
38 a municipality to raise or expend municipal revenues in order to  
39 provide **low and moderate income** low- and moderate-income  
40 housing.
- 41 e. When a municipality's housing element includes the provision  
42 of rental housing units in a community residence for the  
43 developmentally disabled, for the mentally ill, or for persons with  
44 head injuries, as those terms are defined in section 2 of P.L.1977,  
45 c.448 (C.30:11B-2), or in transitional housing, which will be  
46 affordable to persons of **low and moderate income** low- and  
47 moderate-income, and for which adequate measures to retain such



1 affordability pursuant to paragraph (3) of subsection a. of this section  
2 are included in the housing element, those housing units shall be fully  
3 credited **[as permitted under the rules of the council]** towards the  
4 fulfillment of the municipality's fair share of **[low and moderate**  
5 **income]** low- and moderate-income housing. A municipality shall not  
6 credit transitional housing units towards more than 10 percent of the  
7 municipality's fair share obligation.

8 f. It having been determined by the Legislature that the provision  
9 of housing under P.L.1985, c.222 (C.52:27D-301 et al.) is a public  
10 purpose, a municipality or municipalities may utilize public monies to  
11 make donations, grants or loans of public funds for the rehabilitation  
12 of deficient housing units and the provision of new or substantially  
13 rehabilitated housing for **[low and moderate income]** low- and  
14 moderate-income persons, providing that any private advantage is  
15 incidental.

16 g. A municipality **[which]** that has received **[substantive**  
17 **certification from the council]** approval of its housing element and fair  
18 share plan for the current round, and **[which]** that has actually effected  
19 the construction of the affordable housing units it is obligated to  
20 provide, may amend its affordable housing element or zoning  
21 ordinances without **[the approval of the council]** losing immunity  
22 from <sup>1</sup>**[builder's remedy]** exclusionary zoning<sup>1</sup> litigation.

23 h. Whenever affordable housing units are proposed to be provided  
24 through an inclusionary development, a municipality shall provide,  
25 through its zoning powers, incentives to the developer, which shall  
26 include increased densities and reduced costs **[, in accordance with the**  
27 **regulations of the council and this subsection]**.

28 i. **[The council, upon the application of a]** A municipality and a  
29 developer **[,]** may **[approve]** request a modification of a compliance  
30 certification involving reduced affordable housing set-asides or  
31 increased densities to ensure the economic feasibility of an  
32 inclusionary development , if any such application demonstrates how  
33 any shortfall in meeting the municipal fair share obligation will then  
34 be addressed. Such a request may be granted only if the municipality  
35 and developer have demonstrated that the project has been impacted  
36 by market conditions beyond their reasonable control.

37 j. A municipality may enter into an agreement with a developer  
38 or residential development owner to provide a preference for  
39 affordable housing to **[low and moderate income]** low- and moderate-  
40 income veterans who served in time of war or other emergency, as  
41 defined in section 1 of P.L.1963, c.171 (C.54:4-8.10), of up to 50  
42 percent of the affordable units in that particular project. This  
43 preference shall be established in the applicant selection process for  
44 available affordable units so that applicants who are veterans who  
45 served in time of war or other emergency, as referenced in this  
46 subsection, and who apply within 90 days of the initial marketing  
47 period shall receive preference for the rental of the agreed-upon

1 percentage of affordable units. After the first 90 days of the initial  
2 120-day marketing period, if any of those units subject to the  
3 preference remain available, then applicants from the general public  
4 shall be considered for occupancy. Following the initial 120-day  
5 marketing period, previously qualified applicants and future qualified  
6 applicants who are veterans who served in time of war or other  
7 emergency, as referenced in this subsection, shall be placed on a  
8 special waiting list as well as the general waiting list. The veterans on  
9 the special waiting list shall be given preference for affordable units,  
10 as the units become available, whenever the percentage of preference-  
11 occupied units falls below the agreed upon percentage. Any  
12 agreement to provide affordable housing preferences for veterans  
13 pursuant to this subsection shall not affect a municipality's ability to  
14 receive credit for the unit **from the council, or its successor**.

15 k. In the fourth round, and in subsequent rounds of affordable  
16 housing obligations, a municipality shall be able to receive one credit  
17 against its affordable housing obligation for each unit of low- or  
18 moderate-income housing, and shall not receive bonus credit for any  
19 particular type of low- or moderate-income housing, unless authority  
20 to obtain bonus credit is expressly provided pursuant to this section, or  
21 other sections of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-  
22 301 et al.). A municipality shall not receive more than one type of  
23 bonus credit for any unit, and a municipality shall not be permitted to  
24 satisfy more than 25 percent of its prospective need obligation in the  
25 fourth round or any subsequent round through the use of bonus credits.  
26 This subsection shall not be construed to limit the ability of a  
27 municipality to receive a unit of credit for a low- or moderate-income  
28 housing unit that is subject to affordability controls that are scheduled  
29 to expire, but are extended <sup>1</sup> in accordance with the Uniform Housing  
30 Affordability Controls promulgated by the New Jersey Housing and  
31 Mortgage Finance Agency pursuant to section 21 of P.L.1985, c.222  
32 (C.52:27D-321)<sup>1</sup>, to the extent that this affordability control extension  
33 would otherwise generate this credit. As a part of a fair share plan and  
34 housing element adopted pursuant to subsection f. of section 3 of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill), a  
36 municipality shall:

37 (1) receive one unit of credit and one bonus credit for each unit of  
38 low- or moderate-income housing for individuals with special needs or  
39 permanent supportive housing, as those terms are defined in section 2  
40 of P.L. 2004, c.70 (C.34:1B-21.24);

41 (2) receive one unit of credit and one-half bonus credit for each  
42 low- or moderate-income ownership unit created in partnership  
43 sponsorship with a non-profit housing developer;

44 (3) receive one unit of credit and one-half bonus credit for each  
45 unit of low- or moderate-income housing located within a one-half  
46 mile radius, or one-mile radius for projects located in a Garden State  
47 Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-  
48 243), surrounding a New Jersey Transit Corporation, Port Authority

1 Transit Corporation, or Port Authority Trans-Hudson Corporation rail,  
2 bus, or ferry station, including all light rail stations. For the purpose of  
3 this subparagraph, the distance from the bus, rail, or ferry station to a  
4 housing unit shall be measured from the closest point on the outer  
5 perimeter of the station, including any associated park-and-ride lot, to  
6 the closest point of the housing project property;

7 (4) receive one unit of credit and one-half bonus credit for a unit  
8 of age-restricted housing, provided that a bonus credit for age-  
9 restricted housing shall not be applied to more than <sup>1</sup>~~15~~ <sup>1</sup>10 percent  
10 of the units of age-restricted housing constructed in compliance with  
11 the Uniform Housing Affordability Controls promulgated by the New  
12 Jersey Housing and Mortgage Finance Agency in a municipality that  
13 count towards the municipality's affordable housing obligation for any  
14 single 10-year round of affordable housing obligations;

15 (5) receive one unit of credit and one-half bonus credit for each  
16 unit of low- or moderate-income family housing with at least three  
17 bedrooms above the minimum number required by the bedroom  
18 distribution <sup>1</sup>~~in a given development~~ . This bonus credit shall be  
19 calculated by taking into account the full municipal fair share plan and  
20 housing element, and the number of units with at least three bedrooms  
21 required for projects satisfying the minimum 50 percent family  
22 housing requirements. A municipality shall receive the bonus credit  
23 pursuant to this paragraph for each unit with at least three bedrooms  
24 that are above the minimum number required for the bedroom  
25 distribution determined pursuant to the Uniform Housing Affordability  
26 Controls promulgated by the New Jersey Housing and Mortgage  
27 Finance Agency<sup>1</sup>;

28 (6) receive one unit of credit and one-half bonus credit for a unit  
29 of low- or moderate-income housing constructed on land that is or was  
30 previously developed and utilized for retail, office, or commercial  
31 space;

32 (7) receive one unit of credit and one-half bonus credit for each  
33 existing low- or moderate-income rental housing unit for which  
34 affordability controls are extended for a new term of affordability, in  
35 compliance with the Uniform Housing Affordability Controls  
36 promulgated by the New Jersey Housing and Mortgage Finance  
37 Agency, and the municipality contributes funding towards the costs  
38 necessary for this preservation;

39 (8) receive one unit of credit and <sup>1</sup>~~one-half~~ <sup>1</sup>one bonus credit for  
40 each unit of low- or moderate-income housing in a 100 percent  
41 affordable housing project <sup>1</sup>~~toward~~ for<sup>1</sup> which the municipality  
42 <sup>1</sup>~~either contributes property without which the project would not be~~  
43 feasible, or makes contributions from the municipal affordable housing  
44 trust fund that cover no less than 10 percent of the project cost]  
45 contributes toward the costs of the project. This contribution may  
46 consist of: (a) real property donations that enable siting and  
47 construction of the project; or (b) contributions from the municipal

1 affordable housing trust fund in support of the project, if the  
2 contribution consists of no less than three percent of the project cost<sup>1</sup>;

3 '[and]'

4 (9) receive one unit of credit and one-half bonus credit for each  
5 unit of very low-income housing for families above the 13 percent of  
6 units required to be reserved for very low-income housing pursuant to  
7 section 7 of P.L.2008, c.46 (C.52:27D-329.1). <sup>1</sup>In accordance with  
8 section 7 of P.L.2008, c.46 (C.52:27D-329.1), a municipality shall not  
9 be required to provide that a specific percentage of the units in any  
10 specific project be reserved as very low-income housing in order to  
11 obtain this bonus credit, and the 13 percent level, for the purpose of  
12 bonus credits, shall be calculated against the full prospective need  
13 obligation provided pursuant to the fair share plan; and

14 (10) receive one unit of credit and one bonus credit for each unit  
15 of low- or moderate-income housing created by transforming an  
16 existing rental or ownership unit from a market rate unit to an  
17 affordable housing unit. A municipality may only rely on this bonus  
18 credit as part of its fair share plan and housing element if the  
19 municipality demonstrates that a commitment to follow through with  
20 this market to affordable agreement has been made and: (a) this  
21 agreement has been signed by the property owner; or (b) the  
22 municipality has obtained ownership of the property.<sup>1</sup>

23 l. A municipality may not satisfy more than <sup>1</sup>[25] 30<sup>1</sup> percent of  
24 the affordable housing units, exclusive of any bonus credits, to address  
25 its prospective need affordable housing obligation through the creation  
26 of age-restricted housing. A municipality shall satisfy a minimum of  
27 50 percent of the actual affordable housing units, exclusive of any  
28 bonus credits, created to address its prospective need affordable  
29 housing obligation through the creation of housing available to  
30 families with children and otherwise in compliance with the  
31 requirements and controls established pursuant to section 21 of  
32 P.L.1985, c.222 (C.52:27D-321). A municipality shall satisfy a  
33 minimum of 25 percent of the actual affordable housing units,  
34 exclusive of any bonus credits, to address its prospective need  
35 affordable housing obligation, through rental housing, including at  
36 least half of that number available to families with children. All units  
37 referred to in this section shall otherwise be in compliance with the  
38 requirements and controls established pursuant to section 21 of  
39 P.L.1985, c.222 (C.52:27D-321).

40 m. All parties shall be entitled to rely upon regulations on  
41 municipal credits, adjustments, and compliance mechanisms adopted  
42 by the Council on Affordable Housing unless those regulations are  
43 contradicted by statute, including but not limited to P.L. \_\_\_\_\_, c.  
44 (C. \_\_\_\_\_) (pending before the Legislature as this bill), or binding court  
45 decisions.

46 <sup>2</sup>n. P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
47 bill) shall not be construed to require a municipality to fund

1 infrastructure improvements for affordable housing projects beyond  
2 any commitments made in a fair share plan and housing element that  
3 has been provided with compliance certification. A municipality may  
4 fund infrastructure improvements for affordable housing projects,  
5 through the adoption of a development agreement with the applicant,  
6 beyond any commitments made in a fair share plan and housing  
7 element that has been provided with compliance certification.<sup>2</sup>

8 (cf: P.L.2013, c.6, s.1)

9  
10 25. Section 6 of P.L.2005, c.350 (C.52:27D-311b) is amended to  
11 read as follows:

12 6. **【The council】** A municipality may take such measures as are  
13 necessary to assure compliance with the adaptability requirements  
14 imposed pursuant to P.L.2005, c.350 (C.52:27D-311a et al.), including  
15 the inspection of those units which are newly constructed and receive  
16 housing credit as provided under section 1 of P.L.2005, c.350  
17 (C.52:27D-311a) for adaptability, as part of the monitoring which  
18 occurs pursuant to P.L.1985, c.222 (C.52:27D-301 et al.). No housing  
19 unit subject to the provisions of section 5 of P.L.2005, c.350  
20 (C.52:27D-123.15) and to the provisions of the barrier free subcode  
21 adopted by the Commissioner of Community Affairs pursuant to the  
22 "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-  
23 119 et seq.) shall be eligible for inclusion in a municipal fair share plan  
24 unless the unit complies with the requirements set forth thereunder. If  
25 any units for which credit was granted in accordance with the  
26 provisions of P.L.2005, c.350 (C.52:27D-311a et al.) are found not to  
27 conform to the requirements of P.L.2005, c.350 (C.52:27D-311a et  
28 al.), **【the council may】** any party representing the interests of  
29 households with disabilities may seek a modification to the approval of  
30 the municipal fair share plan to require the municipality to amend its  
31 fair share plan within 90 days of **【receiving notice from the council】**  
32 such a finding, to address its fair share obligation pursuant to  
33 P.L.1985, c.222 (C.52:27D-301 et al.). In the event that the  
34 municipality fails to amend its fair share plan within 90 days of  
35 **【receiving such notice, the council may revoke substantive**  
36 certification**】** such a finding, the municipality shall lose immunity to  
37 **【a builder's remedy】** exclusionary zoning litigation<sup>1</sup> for the portion  
38 of its obligation that is found not to conform to the requirements of  
39 P.L.2005, c.350 (C.52:27D-311a et al.).

40 (cf: P.L.2005, c.350, s.6)

41  
42 26. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to  
43 read as follows:

44 20. There is established in the Department of Community  
45 Affairs a separate trust fund, to be used for the exclusive purposes  
46 as provided in this section, and which shall be known as the "New  
47 Jersey Affordable Housing Trust Fund." The fund shall be a non-

1 lapsing, revolving trust fund, and all monies deposited or received  
2 for purposes of the fund shall be accounted for separately, by source  
3 and amount, and remain in the fund until appropriated for such  
4 purposes. The fund shall be the repository of all State funds  
5 appropriated for affordable housing purposes, including, but not  
6 limited to, the proceeds from the receipts of the additional fee  
7 collected pursuant to paragraph (2) of subsection a. of section 3 of  
8 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the  
9 Statewide non-residential development fees collected pursuant to  
10 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or  
11 reverting from municipal development trust funds, or other monies  
12 as may be dedicated, earmarked, or appropriated by the Legislature  
13 for the purposes of the fund. All references in any law, order, rule,  
14 regulation, contract, loan, document, or otherwise, to the  
15 "Neighborhood Preservation Nonlapsing Revolving Fund" shall  
16 mean the "New Jersey Affordable Housing Trust Fund." The  
17 department shall be permitted to utilize annually up to 7.5 percent  
18 of the monies available in the fund for the payment of any  
19 necessary administrative costs related to the administration of the  
20 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or any  
21 costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et  
22 al.).

23 a. Except as permitted pursuant to subsection g. of this section,  
24 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the  
25 commissioner shall award grants or loans from this fund for  
26 housing projects and programs in municipalities whose housing  
27 elements have **【received substantive certification from the council,】**  
28 **obtained compliance certification pursuant to section 3 of P.L. , c.**  
29 **(C. ) (pending before the Legislature as this bill), or in**  
30  **municipalities receiving State aid pursuant to P.L.1978, c.14**  
31 **(C.52:27D-178 et seq.) **【, in municipalities subject to a builder's****  
32 **remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328),**  
33 **or in receiving municipalities in cases where the council has**  
34 **approved a regional contribution agreement and a project plan**  
35 **developed by the receiving municipality**】.****

36 Of those monies deposited into the "New Jersey Affordable  
37 Housing Trust Fund" that are derived from municipal development  
38 fee trust funds, or from available collections of Statewide non-  
39 residential development fees, a priority for funding shall be  
40 established for projects in municipalities that have **【petitioned the**  
41 **council for substantive**】 received compliance** certification.**

42 Programs and projects in any municipality shall be funded only  
43 after receipt by the commissioner of a written statement in support  
44 of the program or project from the municipal governing body.

45 b. The commissioner shall establish rules and regulations  
46 governing the qualifications of applicants, the application  
47 procedures, and the criteria for awarding grants and loans and the

1 standards for establishing the amount, terms, and conditions of each  
2 grant or loan.

3 c. For any period which the **【council】** commissioner may  
4 approve, the commissioner may assist affordable housing programs  
5 **【which】** that are **【not】** located in municipalities **【whose housing**  
6 **elements have been granted substantive certification or which are**  
7 **not in furtherance of a regional contribution agreement】** that have a  
8 pending request for compliance certification; provided that the  
9 affordable housing program will meet all or part of a municipal  
10 **【low and moderate income】** low- and moderate-income housing  
11 obligation.

12 d. Amounts deposited in the "New Jersey Affordable Housing  
13 Trust Fund" shall be targeted to regions based on the region's  
14 percentage of the State's **【low and moderate income】** low- and  
15 moderate-income housing need as determined **【by the council】**  
16 pursuant to the low- and moderate-income household growth over  
17 the prior 10 years, as calculated pursuant to section 6 of P.L. , c.  
18 (C. ) (pending before the Legislature as this bill). Amounts in  
19 the fund shall be applied for the following purposes in designated  
20 neighborhoods:

21 (1) Rehabilitation of substandard housing units occupied or to  
22 be occupied by **【low and moderate income】** low- and moderate-  
23 income households;

24 (2) Creation of accessory **【apartments】** dwelling units to be  
25 occupied by **【low and moderate income】** low- and moderate-  
26 income households;

27 (3) Conversion of non-residential space to residential purposes;  
28 provided a substantial percentage of the resulting housing units are  
29 to be occupied by **【low and moderate income】** low- and moderate-  
30 income households;

31 (4) Acquisition of real property, demolition and removal of  
32 buildings, or construction of new housing that will be occupied by  
33 **【low and moderate income】** low- and moderate-income households,  
34 or any combination thereof;

35 (5) Grants of assistance to eligible municipalities for costs of  
36 necessary studies, surveys, plans, and permits; engineering,  
37 architectural, and other technical services; costs of land acquisition  
38 and any buildings thereon; and costs of site preparation, demolition,  
39 and infrastructure development for projects undertaken pursuant to  
40 an approved regional contribution agreement;

41 (6) Assistance to a local housing authority, nonprofit or limited  
42 dividend housing corporation, or association or a qualified entity  
43 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for  
44 rehabilitation or restoration of housing units which it administers  
45 which: (a) are unusable or in a serious state of disrepair; (b) can be  
46 restored in an economically feasible and sound manner; and (c) can

1 be retained in a safe, decent, and sanitary manner, upon completion  
2 of rehabilitation or restoration; and

3 (7) Other housing programs for **[low and moderate income]**  
4 low- and moderate-income housing, including, without limitation,  
5 (a) infrastructure projects directly facilitating the construction of  
6 **[low and moderate income]** low- and moderate-income housing not  
7 to exceed a reasonable percentage of the construction costs of the  
8 **[low and moderate income]** low- and moderate-income housing to  
9 be provided and (b) alteration of dwelling units occupied or to be  
10 occupied by households of **[low or moderate income]** low- or  
11 moderate-income and the common areas of the premises in which  
12 they are located in order to make them accessible to persons with  
13 disabilities.

14 e. Any grant or loan agreement entered into pursuant to this  
15 section shall incorporate contractual guarantees and procedures by  
16 which the division **[will]** shall ensure that any unit of housing  
17 provided for **[low and moderate income]** low- and moderate-  
18 income households shall continue to be occupied by **[low and**  
19 **moderate income]** low- and moderate-income households for **[at**  
20 **least 20 years]** a period that conforms to the requirements of  
21 subsection f. of section 21 of P.L.1985, c.222 (C.52:27D-321)  
22 following the award of the loan or grant, except that the division  
23 may approve a guarantee for a period of less **[than 20 years]**  
24 duration where necessary to ensure project feasibility.

25 f. Notwithstanding the provisions of any other law, rule, or  
26 regulation to the contrary, in making grants or loans under this  
27 section, the department shall not require that tenants be certified as  
28 **[low or moderate income]** low- or moderate-income or that  
29 contractual guarantees or deed restrictions be in place to ensure  
30 continued **[low and moderate income]** low- and moderate-income  
31 occupancy as a condition of providing housing assistance from any  
32 program administered by the department, when that assistance is  
33 provided for a project of moderate rehabilitation if the project: (1)  
34 contains 30 or fewer rental units; and (2) is located in a census tract  
35 in which the median household income is 60 percent or less of the  
36 median income for the housing region in which the census tract is  
37 located, as determined for a three person household by the  
38 **[council]** department in accordance with the latest federal  
39 decennial census. A list of eligible census tracts shall be  
40 maintained by the department and shall be adjusted upon  
41 publication of median income figures by census tract after each  
42 federal decennial census.

43 g. In addition to other grants or loans awarded pursuant to this  
44 section, and without regard to any limitations on such grants or  
45 loans for any other purposes herein imposed, the commissioner  
46 shall annually allocate such amounts as may be necessary in the  
47 commissioner's discretion, and in accordance with section 3 of



1 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants  
2 under the program created pursuant to P.L.2004, c.140 (C.52:27D-  
3 287.1 et al.). Such rental assistance grants shall be deemed  
4 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-  
5 301 et al.), in order to meet the housing needs of certain **[low**  
6 **income]** low-income households who may not be eligible to occupy  
7 other housing produced pursuant to P.L.1985, c.222 (C.52:27D-301  
8 et al.).

9 h. The department and the State Treasurer shall submit the  
10 "New Jersey Affordable Housing Trust Fund" for an audit annually  
11 by the State Auditor or State Comptroller, at the discretion of the  
12 Treasurer. In addition, the department shall prepare an annual  
13 report for each fiscal year, and submit it by November 30th of each  
14 year to the Governor and the Legislature, and the Joint Committee  
15 on Housing Affordability, or its successor, and post the information  
16 to its **[web site]** Internet website, of all activity of the fund,  
17 including details of the grants and loans by number of units, number  
18 and income ranges of recipients of grants or loans, location of the  
19 housing renovated or constructed using monies from the fund, the  
20 number of units upon which affordability controls were placed, and  
21 the length of those controls. The report also shall include details  
22 pertaining to those monies allocated from the fund for use by the  
23 State rental assistance program pursuant to section 3 of P.L.2004,  
24 c.140 (C.52:27D-287.3) and subsection g. of this section.

25 i. The commissioner may award or grant the amount of any  
26 appropriation deposited in the "New Jersey Affordable Housing  
27 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-  
28 320.1) to municipalities pursuant to the provisions of section 39 of  
29 P.L.2009, c.90 (C.40:55D-8.8).  
30 (cf: P.L.2017, c.131, s.200)

31

32 27. Section 21 of P.L.1985, c.222 (C.52:27D-321) is amended to  
33 read as follows:

34 21. The agency shall establish affordable housing programs to  
35 assist municipalities in meeting the obligation of developing  
36 communities to provide **[low and moderate income]** low- and  
37 moderate-income housing.

38 a. Of the bond authority allocated to it under section 24 of  
39 P.L.1983, c.530 (C.55:14K-24) the agency will allocate, for a  
40 reasonable period of time established by its board, no less than **[25%]**  
41 25 percent to be used in conjunction with housing to be constructed or  
42 rehabilitated with assistance under **[this act]** P.L.1985, c.222  
43 (C.52:27D-301 et al.).

44 b. The agency shall to the extent of available funds, award  
45 assistance to affordable housing programs located in municipalities  
46 whose housing elements have **[received substantive]** obtained  
47 compliance certification **[from the council]** , or which have been

1 subject to a builder's remedy [or which are in furtherance of a regional  
2 contribution agreement approved by the council]. During [the first 12  
3 months from the effective date of this act and for] any [additional]  
4 period which the [council] agency may approve, the agency may  
5 assist affordable housing programs [which are not located in  
6 municipalities whose housing elements have been granted substantive  
7 certification or which are not in furtherance of a regional contribution  
8 agreement] that have a pending request for compliance certification;  
9 provided the affordable housing program will meet all or in part a  
10 municipal [low and moderate income] low- and moderate-income  
11 housing obligation.

12 c. Assistance provided pursuant to this section may take the form  
13 of grants or awards to municipalities, prospective home purchasers,  
14 housing sponsors as defined in P.L.1983, c.530 (C.55:14K-1 et seq.),  
15 or as contributions to the issuance of mortgage revenue bonds or  
16 multi-family housing development bonds which have the effect of  
17 achieving the goal of producing affordable housing.

18 d. Affordable housing programs which may be financed or  
19 assisted under this provision may include, but are not limited to:

20 (1) Assistance for home purchase and improvement including  
21 interest rate assistance, down payment and closing cost assistance, and  
22 direct grants for principal reduction;

23 (2) Rental programs including loans or grants for developments  
24 containing [low and moderate income] low- and moderate-income  
25 housing, moderate rehabilitation of existing rental housing, congregate  
26 care and retirement facilities;

27 (3) Financial assistance for the conversion of nonresidential space  
28 to residences;

29 (4) Other housing programs for [low and moderate income] low-  
30 and moderate-income housing, including infrastructure projects  
31 directly facilitating the construction of [low and moderate income]  
32 low- and moderate-income housing; and

33 (5) Grants or loans to municipalities, housing sponsors and  
34 community organizations to encourage development of innovative  
35 approaches to affordable housing, including:

36 (a) Such advisory, consultative, training and educational services  
37 as will assist in the planning, construction, rehabilitation and operation  
38 of housing; and

39 (b) Encouraging research in and demonstration projects to develop  
40 new and better techniques and methods for increasing the supply,  
41 types and financing of housing and housing projects in the State.

42 e. The agency shall establish procedures and guidelines  
43 governing the qualifications of applicants, the application procedures  
44 and the criteria for awarding grants and loans for affordable housing  
45 programs and the standards for establishing the amount, terms and  
46 conditions of each grant or loan.

1 f. ~~【In consultation with the council, the】~~ The agency , in  
2 consultation with the department, shall establish requirements and  
3 controls to ~~【insure】~~ ensure the maintenance of housing assisted under  
4 ~~【this act】~~ P.L.1985, c.222 (C.52:27D-301 et al.) as affordable to ~~【low~~  
5 ~~and moderate income】~~ low- and moderate-income households for a  
6 period of not less than <sup>1</sup>~~【40】~~ <sup>2</sup>~~【30<sup>1</sup>】~~ 40<sup>2</sup> years for <sup>1</sup>newly created<sup>1</sup>  
7 rental units <sup>1</sup>【and】 ,<sup>1</sup> <sup>2</sup>【20】 30<sup>2</sup> years for for-sale units <sup>1</sup>, <sup>2</sup>【except for  
8 housing units for which affordability controls are extended for a new  
9 term of affordability<sup>1</sup>; provided that the agency<sup>2</sup> 【may establish a  
10 shorter period upon a determination that the economic feasibility of the  
11 program is jeopardized by the requirement and the public purpose  
12 served by the program outweighs the shorter period】 <sup>2</sup>and 30 years for  
13 housing units for which affordability controls are extended for a new  
14 term of affordability, provided that the minimum extension term may  
15 be limited to no less than 20 years as long as the original and extended  
16 term, in combination, total at least 60 years. Any 100 percent  
17 affordable rental property shall have a right to extinguish a deed  
18 restriction regardless of original length, beginning 30 years following  
19 the start of the deed restriction, provided a refinancing or  
20 rehabilitation, or both, for the purpose of preservation is commenced  
21 and that a new deed restriction of at least 30 years is provided. A  
22 municipality shall be eligible to receive credits for all preserved units  
23 pursuant to this subsection, as long as the original and extended term  
24 total at least 60 years, and this credit may be obtained at the time of  
25 preservation. All 100 percent affordable projects shall be eligible for  
26 any affordable housing preservation program administered by the  
27 State, beginning 30 years following the start of the deed restriction,  
28 regardless of original length of the deed restriction. Any State  
29 administered preservation program may allow a refinancing funding  
30 process to commence prior to the 30th year of the deed restriction  
31 when such refinancing or rehabilitation funding is needed to preserve  
32 affordable housing. The agency<sup>2</sup> may update or amend any controls  
33 previously adopted by the agency, in consultation with the Council on  
34 Affordable Housing, prior to the effective date of P.L. , c. (C. )  
35 (pending before the Legislature as this bill), provided that the  
36 requirements and controls shall, at a minimum, be consistent with the  
37 controls as in effect immediately prior to the effective date of P.L. ,  
38 c. (C. ) (pending before the Legislature as this bill), including,  
39 but not limited to, any requirements concerning bedroom distributions,  
40 affordability averages, and affirmative marketing. <sup>2</sup>【<sup>1</sup>For the purpose  
41 of housing units for which affordability controls are extended for a  
42 new term of affordability: (1) a 20-year minimum deed restriction shall  
43 be required if the unit was initially created before October 1, 2001; and  
44 (2) a 30-year minimum deed restriction shall be required if the unit  
45 was initially created on or following October 1, 2001.<sup>1</sup>】<sup>2</sup> The controls  
46 may include, among others, requirements for recapture of assistance  
47 provided pursuant to 【this act】 P.L.1985, c.222 (C.52:27D-301 et al.)

1 or restrictions on return on equity in the event of failure to meet the  
2 requirements of the program. With respect to rental housing financed  
3 by the agency pursuant to **[this act]** P.L.1985, c.222 (C.52:27D-301 et  
4 al.) or otherwise which promotes the provision or maintenance of **[low**  
5 **and moderate income]** low- and moderate-income housing, the agency  
6 may waive restrictions on return on equity required pursuant to  
7 P.L.1983, c.530 (C.55:14K-1 et seq.) which is gained through the sale  
8 of the property or of any interest in the property or sale of any interest  
9 in the housing sponsor. The agency shall promulgate updated  
10 regulations no later than nine months following the effective date of  
11 P.L. , c. (C. ) (pending before the Legislature as this bill). All  
12 parties may continue to rely on regulations previously adopted by the  
13 agency pursuant to the authority provided by this section as in effect  
14 immediately prior to the effective date of P.L. , c. (C. )  
15 (pending before the Legislature as this bill) until new rules and  
16 regulations are adopted by the agency. Notwithstanding the provisions  
17 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
18 seq.) to the contrary, the agency, after consultation with department,  
19 may adopt, immediately, upon filing with the Office of Administrative  
20 Law, said regulations, which shall be effective for a period not to  
21 exceed one year from the date of the filing. The agency shall  
22 thereafter amend, adopt, or readopt the regulations in accordance with  
23 the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

24 g. The agency may establish affordable housing programs  
25 through the use or establishment of subsidiary corporations or  
26 development corporations as provided in P.L.1983, c.530 (C.55:14K-1  
27 et seq.). The subsidiary corporations or development corporations  
28 shall be eligible to receive funds provided under **[this act]** P.L.1985,  
29 c.222 (C.52:27D-301 et al.) for any permitted purpose.

30 h. The agency shall provide assistance, through its bonding  
31 powers or in any other manner within its powers, to the grant and loan  
32 program established pursuant to section 20 of P.L.1985, c.222  
33 (C.52:27D-320).

34 i. (1) The department shall promulgate processes and standards  
35 for the certification of administrative agents and municipal housing  
36 liaisons in the State, as well as standards for measuring performance of  
37 and enforcing compliance by administrative agents and municipal  
38 housing liaisons in implementing the affordable housing requirements  
39 and controls established pursuant to subsection f. of this section.

40 (2) Administrative agents shall be responsible for implementing  
41 the requirements and controls set by the regulations promulgated  
42 pursuant to subsection <sup>2</sup>**[f]** f.<sup>2</sup> of this section. The department may  
43 bring via summary proceeding any findings of violation of the  
44 responsibilities set forth in this section before a county level housing  
45 judge, to docket the violation and issue corrective orders and levy  
46 fines.

1       (3) Municipal housing liaisons shall be responsible for monitoring  
2 administrative agents within their municipality's jurisdiction to ensure  
3 compliance with the requirements and controls set by regulation under  
4 subsection f. of this section.

5       (4) Municipal housing liaisons, the department, and interested  
6 parties may bring a challenge before a county level housing judge to  
7 determine whether properties subject to the regulations set forth by this  
8 section are out of compliance with the regulations. A finding of  
9 deliberate noncompliance may result in the department removing the  
10 administrative agent's certification.

11       (5) A County level housing judge may issue fines and order  
12 corrective actions for violations and may consider patterns of  
13 violations in determining whether a municipality is meeting its  
14 obligations under the compliance certification established by section 3  
15 of P.L. , c. (C. ) (pending before the Legislature as this bill).

16       (6) Notwithstanding the provisions of the "Administrative  
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,  
18 the department may adopt, immediately, upon filing with the Office of  
19 Administrative Law, regulations to implement the provisions of this  
20 subsection, which shall be effective for a period not to exceed one year  
21 from the date of the filing. The department shall thereafter amend,  
22 adopt, or readopt the regulations in accordance with the requirements  
23 of P.L.1968, c.410 (C.52:14B-1 et seq.).

24 (cf: P.L.2004, c.140, s.5)

25  
26       28. Section 19 of P.L.2008, c.46 (C.52:27D-321.1) is amended  
27 to read as follows:

28       19. Notwithstanding any rules of the New Jersey Housing and  
29 Mortgage Finance Agency to the contrary, the allocation of **low**  
30 **income** low-income tax credits shall be made by the agency to the  
31 full extent such credits are permitted to be allocated under federal  
32 law, including allocations of **4** four percent or **9** nine percent  
33 federal **low income** low-income tax credits, and including  
34 allocations allowable for partial credits. The affordable portion of  
35 any mixed income or mixed use development that is part of a fair  
36 share housing plan **approved by the council, or** that has obtained  
37 compliance certification, including a court-approved judgment of  
38 repose or compliance, including, but not limited to, a development  
39 that has received a density bonus, shall be permitted to receive  
40 allocations of **low income** low-income tax credits, provided that  
41 the applicant can conclusively demonstrate that the market rate  
42 residential or commercial units are unable to internally subsidize  
43 the affordable units, and the affordable units are developed  
44 contemporaneously with the commercial or market rate residential  
45 units.

46 (cf: P.L.2008, c.46, s.19)

1       29. Section 7 of P.L.2008, c.46 (C.52:27D-329.1) is amended to  
2 read as follows:

3       7. **【**The council shall coordinate and review the housing  
4 elements as filed pursuant to section 11 of P.L.1985, c.222  
5 (C.52:27D-311), and the housing activities under section 20 of  
6 P.L.1985, c.222 (C.52:27D-320), at least once every three years, to**】**  
7 Housing elements and fair share plans adopted pursuant to section 3  
8 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
9 shall ensure that at least 13 percent of the housing units made  
10 available for occupancy by low-income and **【**moderate income**】**  
11 moderate-income households to address a municipality's  
12 prospective need obligation will be reserved for occupancy by very  
13 low income households, as that term is defined pursuant to section 4  
14 of P.L.1985, c.222 (C.52:27D-304), with at least half of such units  
15 made available for families with children. The 13 percent shall  
16 count towards the minimum 50 percent of the housing units  
17 required to be made available for occupancy by low-income  
18 households to address a municipality's prospective need obligation.  
19 Nothing in this section shall require that a specific percentage of the  
20 units in any specific project be reserved as very **【**low income**】** low-  
21 income housing; provided, however, that a municipality shall not  
22 receive bonus credits for the provision of housing units reserved for  
23 occupancy by very **【**low income**】** low-income households unless  
24 the 13 percent target has been exceeded within that municipality **【**.  
25 The council shall coordinate all efforts to meet the goal of this  
26 section in a manner that will result in a balanced number of housing  
27 units being reserved for very low income households throughout all  
28 housing regions. For the purposes of this section, housing activities  
29 under section 20 of P.L.1985, c.222 (C.52:27D-320) shall include  
30 any project-based assistance provided from the "New Jersey  
31 Affordable Housing Trust Fund" pursuant to P.L.2004, c.140  
32 (C.52:27D-287.1 et al.), regardless of whether the housing activity  
33 is counted toward the municipal obligation under the "Fair Housing  
34 Act," P.L.1985, c.222 (C.52:27D-301 et al.)**】** , and that the agency  
35 shall update the regulations adopted pursuant to section 21 of  
36 P.L.1985, c.222 (C.52:27D-321) to replace any requirements for  
37 very low-income housing inconsistent with the percentages and  
38 definitions established pursuant to P.L. , c. (C. ) (pending  
39 before the Legislature as this bill) with the percentage and  
40 definition specified in this section.  
41 (cf: P.L.2008, c.46, s.7)

42  
43       30. Section 8 of P.L.2008, c.46 (C.52:27D-329.2) is amended to  
44 read as follows:

45       8. a. **【**The council may authorize a**】** (1) A municipality that is in  
46 the process of seeking compliance certification, has **【**petitioned for  
47 substantive**】** obtained compliance certification, <sup>1</sup>is a qualified urban

1 aid municipality, as determined pursuant to paragraph (1) of  
2 subsection c. of section 7 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill),<sup>1</sup> or that has been so authorized by a court of  
4 competent jurisdiction, and which has adopted a municipal  
5 development fee ordinance shall be authorized to impose and collect  
6 development fees from developers of residential property, in  
7 accordance with rules promulgated by the [council] department. Each  
8 amount collected shall be deposited and shall be accounted for  
9 separately, by payer and date of deposit.

10 (2) No later than '[90] 180<sup>1</sup> days following the enactment of  
11 P.L. , c. (C. ) (pending before the Legislature as this bill), any  
12 municipality that is or has been authorized to impose and collect  
13 development fees from developers of residential property, or payments  
14 in lieu of constructing affordable housing, shall provide the  
15 Department of Community Affairs with a detailed accounting of all  
16 such fees that have been collected and expended since the inception of  
17 the municipal authorization to collect the fees.

18 (3) Beginning with the year after the enactment of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill), by  
20 <sup>2</sup>[January] February<sup>2</sup> 15, every municipality that is or has been  
21 authorized to impose and collect development fees from developers of  
22 residential property, or payments in lieu of constructing affordable  
23 housing, shall provide the Department of Community Affairs with a  
24 detailed accounting of all such fees that have been collected and  
25 expended the previous year.

26 (4) A municipality may not spend or commit to spend any  
27 affordable housing development fees, including Statewide non-  
28 residential fees collected and deposited into the municipal affordable  
29 housing trust fund, without first obtaining the [council's] approval of  
30 the expenditure as part of its compliance certification or by the  
31 department. A municipality shall include in its housing element and  
32 fair share plan adopted pursuant to section 3 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill) a spending plan for current  
34 funds in the municipal affordable housing trust fund and projected  
35 funds through the current round. Review of that spending plan for  
36 consistency with applicable law and the municipality's Housing  
37 Element and Fair Share Plan shall be part of the process specified in  
38 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
39 this bill). The [council] department shall promulgate updated  
40 regulations no later than nine months following the effective date of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill)  
42 regarding the establishment, administration, reporting, and  
43 enforcement of the expenditure of affordable housing development  
44 fees by municipalities, which shall include establishing an expedited  
45 process for approving spending plan expenditures for emergent  
46 opportunities to create affordable housing after a municipality has  
47 obtained compliance certification and procedures for monitoring the

1 collection and expenditure of trust funds. The department shall  
2 develop and publish on the department's Internet website a detailed  
3 summary of the municipal affordable housing trust fund expenditures  
4 for each municipality, and shall update each summary on an annual  
5 basis. As part of the regulations adopted pursuant to this section and  
6 section 10 of P.L.2008, c.46 (C.52:27D-329.4), the department shall  
7 adopt reporting requirements applicable to municipal affordable  
8 housing trust funds to facilitate fulfillment of the department's  
9 obligations pursuant to this section. Municipalities may continue to  
10 rely on regulations on development fees and spending plans previously  
11 adopted by the council until new rules and regulations are adopted by  
12 the department. The [council] department shall have [exclusive]  
13 jurisdiction regarding the enforcement of these regulations, provided  
14 that any municipality which is not in compliance with the regulations  
15 adopted by the [council] department may be subject to forfeiture of  
16 any or all funds remaining within its municipal trust fund. Any funds  
17 so forfeited shall be deposited into the "New Jersey Affordable  
18 Housing Trust Fund" established pursuant to section 20 of P.L.1985,  
19 c.222 (C.52:27D-320).

20 b. A municipality shall deposit all fees collected, whether or not  
21 such collections were derived from fees imposed upon non-residential  
22 or residential construction into a trust fund dedicated to those purposes  
23 as required under this section, and such additional purposes as may be  
24 approved by the [council] department.

25 c. (1) A municipality <sup>2</sup>, other than a qualified urban aid  
26 municipality, as determined pursuant to paragraph (1) of subsection c.  
27 of section 7 of P.L. , c. (C. ) (pending before the Legislature as  
28 this bill),<sup>2</sup> may only spend development fees for an activity approved  
29 by the [council] department to address the municipal fair share  
30 obligation, or approved as part of compliance certification.

31 (2) Municipal development trust funds shall not be expended  
32 unless the municipality has immunity from <sup>1</sup>[builder's remedy]  
33 exclusionary zoning<sup>1</sup> litigation at the time of the expenditure <sup>2</sup>[, and] ,  
34 or said municipality has previously collected such funds while under  
35 the protection of presumptive validity or immunity from exclusionary  
36 zoning litigation and in accordance with an approved spending plan.  
37 However, municipal development trust funds may be expended by a  
38 municipality if the municipality is a qualified urban aid municipality,  
39 as determined pursuant to paragraph (1) of subsection c. of section 7 of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill), with  
41 a development fee ordinance and spending plan approved by the  
42 department or a court of competent jurisdiction, regardless of whether  
43 this approval occurs prior to or subsequent to the effective date of P.L.  
44 , c. (C. ) (pending before the Legislature as this bill). Municipal  
45 development fee trust funds<sup>2</sup> shall not be expended:

46 (a) to reimburse municipalities for activities which occurred prior  
47 to the authorization of a municipality to collect development fees; or



1       **(b) (i) on administrative costs, attorney fees or court costs to**  
2 **obtain a judgment of repose; (ii) to contest a determination of the**  
3 **municipality's fair share obligation; or (iii) on costs of any challenger**  
4 **in connection to a challenge to the municipality's obligation, housing**  
5 **element, or fair share plan.**

6       (3) A municipality shall set aside a portion of its development fee  
7 trust fund for the purpose of providing affordability assistance to **[low**  
8 **and moderate income]** low- and moderate-income households in  
9 affordable units included in a municipal fair share plan, in accordance  
10 with rules of the **[council]** department.

11       (a) Affordability assistance programs may include down payment  
12 assistance, security deposit assistance, low interest loans, common  
13 maintenance expenses for units located in condominiums, rental  
14 assistance, and any other program authorized by the **[council]**  
15 department.

16       (b) Affordability assistance to households earning 30 percent or  
17 less of median income may include buying down the cost of **[low**  
18 **income]** low-income units in a municipal fair share plan to make them  
19 affordable to households earning 30 percent or less of median income.  
20 The use of development fees in this manner shall not entitle a  
21 municipality to bonus credits except as may **[be provided by the rules**  
22 **of the council]** otherwise be allowed by applicable precedent.

23       (4) A municipality may contract with a private or public entity to  
24 administer any part of its housing element and fair share plan,  
25 including the requirement for affordability assistance, or any program  
26 or activity for which the municipality expends development fee  
27 proceeds, in accordance with rules of the **[council]** department.

28       (5) Not more than 20 percent of the revenues collected from  
29 development fees shall be expended on administration, in accordance  
30 with rules of the **[council]** department. Such administration may  
31 include expending a portion of its affordable housing trust fund on  
32 actions and efforts reasonably related to the determination of its fair  
33 share obligation and the development of its housing element and fair  
34 share plan pursuant to paragraphs (1) and (2) of subsection f. of  
35 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
36 this bill), and for expenses that are reasonably necessary for  
37 compliance with the processes of the program, including but not  
38 limited to, the costs to the municipality of resolving a challenge under  
39 the program.

40       d. The **[council]** department shall establish a time by which all  
41 development fees collected within a calendar year shall be expended;  
42 provided, however, that all fees shall be committed for expenditure  
43 within four years from the date of collection. A municipality that fails  
44 to commit to expend the balance required in the development fee trust  
45 fund by the time set forth in this section shall be required by the  
46 council to transfer the remaining unspent balance at the end of the  
47 four-year period to the "New Jersey Affordable Housing Trust Fund,"

1 established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320),  
2 as amended by P.L.2008, c.46 (C.52:27D-329.1 et al.), to be used in  
3 the housing region of the transferring municipality for the authorized  
4 purposes of that fund.

5 e. Notwithstanding any provision of this section, or regulations of  
6 the **【council】** department, a municipality shall not collect a  
7 development fee from a developer whenever that developer is  
8 providing for the construction of affordable units, either on-site or  
9 elsewhere within the municipality.

10 This section shall not apply to the collection of a Statewide  
11 development fee imposed upon non-residential development pursuant  
12 to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 **【et seq.】**  
13 through C.40:55D-8.7) by the State Treasurer, when such collection is  
14 not authorized to be retained by a municipality.

15 (cf: P.L.2008, c.46, s.8)

16

17 31. Section 10 of P.L.2008, c.46 (C.52:27D-329.4) is amended to  
18 read as follows:

19 10. a. The **【council】** department shall maintain on its Internet  
20 website, and also publish on **【a regular】** an annual basis, an up-to-date  
21 municipal status report **【concerning the petitions for substantive**  
22 **certification of each municipality that has submitted to the council's**  
23 **jurisdiction, and shall collect and publish】** based on its collection and  
24 publication of information concerning the number affordable  
25 housing units actually constructed, construction starts, certificates of  
26 occupancy granted, 【rental units maintained, and the number of  
27 housing units transferred or sold within the previous 12-month period】  
28 the start and expiration dates of deed restrictions, and residential and  
29 non-residential development fees collected and expended, including  
30 purposes and amounts of such expenditures, along with the current  
31 balance in the municipality's affordable housing trust funds. With  
32 respect to units actually constructed, the information shall specify the  
33 characteristics of the housing, including housing type, tenure,  
34 affordability level, number of bedrooms, date and expiration of  
35 affordability controls, and whether occupancy is reserved for families,  
36 senior citizens, or other special populations. **【No later than 60 months**  
37 **after the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.), the**  
38 **council shall require each municipality, as a condition of substantive**  
39 **certification, to provide, in a standardized electronic media format as**  
40 **determined by the council, the details of the fair share plan as adopted**  
41 **by the municipality and approved by the council. The council shall**  
42 **publish and maintain such approved plans on its website.】**

43 b. (1) No later than **【90】** 180<sup>1</sup> days following the enactment of  
44 P.L. , c. (C. ) (pending before the Legislature as this bill), each  
45 municipality shall provide the department with the information  
46 necessary to comply with this section.

1       (2) Beginning with the year after the enactment of P.L.     , c.  
2 (C.     ) (pending before the Legislature as this bill), by <sup>2</sup>【January】  
3 February<sup>2</sup> 15, each municipality shall provide the department with the  
4 information necessary to comply with this section.

5       c. The department may adopt, pursuant to the "Administrative  
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
7 regulations as may be necessary to effectuate the provisions of this  
8 section, including rules and regulations to ensure that municipalities  
9 and developers report any information as may be necessary for the  
10 department to fulfill its obligations pursuant to this section.

11 (cf: P.L.2008, c.46, s.10)

12  
13       32. Section 18 of P.L.2008, c.46 (C.52:27D-329.9) is amended  
14 to read as follows:

15       18. a. Notwithstanding any rules **【of the council】** to the  
16 contrary, for developments consisting of newly-constructed  
17 residential units located, or to be located, within the jurisdiction of  
18 any regional planning entity required to adopt a master plan or  
19 comprehensive management plan pursuant to statutory law,  
20 including the New Jersey Meadowlands Commission pursuant to  
21 subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6), the  
22 Pinelands Commission pursuant to section 7 of the "Pinelands  
23 Protection Act," P.L.1979, c.111 (C.13:18A-8), the Fort Monmouth  
24 Economic Revitalization Planning Authority pursuant to section 5  
25 of P.L.2006, c.16 (C.52:27I-5), or its successor, and the Highlands  
26 Water Protection and Planning Council pursuant to section 11 of  
27 P.L.2004, c.120 (C.13:20-11), but excluding joint planning boards  
28 formed pursuant to section 64 of P.L.1975, c.291 (C.40:55D-77),  
29 there shall be required to be reserved for occupancy by **【low or**  
30 **moderate income】** low- or moderate-income households at least 20  
31 percent of the residential units constructed **【, to the extent this is**  
32 **economically feasible】** with affordability controls as required  
33 pursuant to the rules and regulations of the agency.

34       b. Subject to the provisions of subsection d. of this section, a  
35 developer of a project consisting of newly-constructed residential  
36 units being financed in whole or in part with State funds, including,  
37 but not limited to, transit villages designated by the Department of  
38 Transportation and units constructed on State-owned property, shall  
39 be required to reserve at least 20 percent of the residential units  
40 constructed for occupancy by **【low or moderate income】** low- or  
41 moderate-income households, as those terms are defined in section  
42 4 of P.L.1985, c.222 (C.52:27D-304), with affordability controls as  
43 required under the rules of the **【council, unless the municipality in**  
44 **which the property is located has received substantive certification**  
45 **from the council and such a reservation is not required under the**  
46 **approved affordable housing plan, or the municipality has been**  
47 **given a judgment of repose or a judgment of compliance by the**

1 court, and such a reservation is not required under the approved  
2 affordable housing plan] agency.

3 c. [(1) The Legislature recognizes that regional planning  
4 entities are appropriately positioned to take a broader role in the  
5 planning and provision of affordable housing based on regional  
6 planning considerations. In recognition of the value of sound  
7 regional planning, including the desire to foster economic growth,  
8 create a variety and choice of housing near public transportation,  
9 protect critical environmental resources, including farmland and  
10 open space preservation, and maximize the use of existing  
11 infrastructure, there is created a new program to foster regional  
12 planning entities.

13 (2) The regional planning entities identified in subsection a. of  
14 this section shall identify and coordinate regional affordable  
15 housing opportunities in cooperation with municipalities in areas  
16 with convenient access to infrastructure, employment opportunities,  
17 and public transportation. Coordination of affordable housing  
18 opportunities may include methods to regionally provide housing in  
19 line with regional concerns, such as transit needs or opportunities,  
20 environmental concerns, or such other factors as the council may  
21 permit; provided, however, that such provision by such a regional  
22 entity may not result in more than a 50 percent change in the fair  
23 share obligation of any municipality; provided that this limitation  
24 shall not apply to affordable housing units directly attributable to  
25 development by the New Jersey Sports and Exposition Authority  
26 within the New Jersey Meadowlands District.

27 (3) In addition to the entities identified in subsection a. of this  
28 section, the Casino Reinvestment Development Authority, in  
29 conjunction with the Atlantic County Planning Board, shall identify  
30 and coordinate regional affordable housing opportunities directly  
31 attributable to Atlantic City casino development, which may be  
32 provided anywhere within Atlantic County, subject to the  
33 restrictions of paragraph (4) of this subsection.

34 (4) The coordination of affordable housing opportunities by  
35 regional entities as identified in this section shall not include  
36 activities which would provide housing units to be located in those  
37 municipalities that are eligible to receive aid under the "Special  
38 Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), or  
39 are coextensive with a school district which qualified for  
40 designation as a "special needs district" pursuant to the "Quality  
41 Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), or at  
42 any time in the last 10 years have been qualified to receive  
43 assistance under P.L.1978, c.14 (C.52:27D-178 et seq.) and that fall  
44 within the jurisdiction of any of the regional entities specified in  
45 subsection a. of this section.] (Deleted by amendment,  
46 P.L. , c. ) (pending before the Legislature as this bill)

47 d. Notwithstanding the provisions of subsection b. of this  
48 section, or any other law or regulation to the contrary, for purposes

1 of mixed use projects or qualified residential projects in which a  
2 business receives a tax credit pursuant to P.L.2007, c.346 (C.34:1B-  
3 207 et seq.) or a tax credit pursuant to section 35 of P.L.2009, c.90  
4 (C.34:1B-209.3), or both, an "eligible municipality," as defined in  
5 section 2 of P.L.2007, c.346 (C.34:1B-208), shall have the option of  
6 deciding the percentage of newly-constructed residential units  
7 within the project, up to 20 percent of the total, required to be  
8 reserved for occupancy by **low or moderate income** low- or  
9 moderate-income households. For a mixed use project or a  
10 qualified residential project that has received preliminary or final  
11 site plan approval prior to the effective date of P.L.2011, c.89, the  
12 percentage shall be deemed to be the percentage, if any, of units  
13 required to be reserved for **low or moderate income** low- or  
14 moderate-income households in accordance with the terms and  
15 conditions of such approval.

16 (cf: P.L.2011, c.89, s.5)

17

18 33. Section 3 of P.L.1995, c.343 (C.55:14K-56) is amended to  
19 read as follows:

20 3. As used in this act:

21 "Affordable Home Ownership Opportunities Bonds" means any  
22 bonds of the New Jersey Housing and Mortgage Finance Agency  
23 that provide funds to facilitate the provisions of this act.

24 "Agency" means the New Jersey Housing and Mortgage Finance  
25 Agency.

26 "Annual income" means total income, from all sources, during  
27 the last full calendar year preceding the filing of an application for a  
28 loan pursuant to this act.

29 "Bonds" means bonds, notes or any other form of evidence of  
30 indebtedness of the agency, bearing either a fixed rate or a variable  
31 rate of interest, issued by the agency.

32 "Eligible project" means a project for the creation of low or  
33 moderate income housing which meets the standards of eligibility  
34 for loans under the program created by this act.

35 "Eligible purchaser" means a purchaser of a dwelling unit in an  
36 eligible project to whom a loan may be made under the program  
37 pursuant to section 5 of this act.

38 "Fund" means the Affordable Home Ownership Opportunities  
39 Fund established by section 5 of this act.

40 "Housing region" means a housing region as defined in  
41 subsection b. of section 4 of the "Fair Housing Act," P.L.1985,  
42 c.222 (C.52:27D-304) and determined **by the Council on**  
43 **Affordable Housing pursuant to section 7 of that act, P.L.1985,**  
44 **c.222 (C.52:27D-307)] pursuant to subsection b. of section 6 of**  
45 **P.L. , c. (C. ) (pending before the Legislature as this bill).**

46 "Local enforcement authority" means any officer or agency of  
47 local government responsible for the implementation or  
48 enforcement of land-use and building regulations established by or

1 pursuant to the "State Uniform Construction Code Act," P.L.1975,  
2 c.217 (C.52:27D-119 et seq.) or the "Municipal Land Use Law,"  
3 P.L.1975, c.291 (C.40:55D-1 et seq.).

4 "Low income" means a gross annual household income equal to  
5 50% or less of the median gross annual household income for  
6 households of the same size within the relevant housing region.

7 "Moderate income" means a gross annual household income  
8 equal to not more than 80%, but more than 50% of the median gross  
9 annual household income for households of the same size within the  
10 relevant housing region.

11 "Program" means the Affordable Home Ownership Opportunities  
12 Program created by this act.

13 "Qualified nonprofit organization" means any corporation or  
14 association of persons organized under Title 15A of the New Jersey  
15 Statutes, having for its principal purpose, or as a purpose ancillary  
16 to its principal purpose, the improvement of realistic opportunities  
17 for low income and moderate income housing, as defined pursuant  
18 to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.),  
19 being within the description of section 501(c)(3) of the United  
20 States Internal Revenue Code (26 U.S.C. 501(c)(3)), having been  
21 determined by the agency to be a bona fide organization not under  
22 the effective control of any for-profit organization or governmental  
23 entity, and appearing capable, by virtue of past activities,  
24 qualifications of staff or board, or other features, of furthering the  
25 purposes of this act.

26 "Substantial rehabilitation" means repair, reconstruction or  
27 renovation which (1) costs in excess of 60% of the fair market value  
28 of a rehabilitated dwelling after such repair, reconstruction or  
29 renovation, or (2) renders a previously vacant and uninhabitable  
30 dwelling safe, sanitary and decent for residential purposes, or (3)  
31 converts to safe, sanitary and decent residential use a structure  
32 previously in non-residential use.

33 (cf: P.L.1995, c.343, s.3)

34

35 34. Section 7 of P.L.1995, c.343 (C.55:14K-60) is amended to  
36 read as follows:

37 7. A project of new construction or substantial rehabilitation by  
38 a nonprofit organization shall be eligible for a loan under this act if  
39 (1) the homes to be constructed or substantially rehabilitated under  
40 the project are located within an identifiable neighborhood in which  
41 median family income does not exceed the current standard of  
42 "moderate income" pursuant to the contemporaneous standards **[of**  
43 **the Council on Affordable Housing]** established pursuant to the  
44 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.); (2) the  
45 homes to be constructed or substantially rehabilitated under the  
46 project are sufficient in number and located on the same or  
47 contiguous parcels of land or within such proximity to each other as  
48 to render the cost per unit of housing practicable for acquisition by

1 lower-income purchasers; and (3) each home constructed or  
2 substantially rehabilitated within the project will conform to all  
3 requirements of the State Uniform Construction Code, except as to  
4 the waiver of any fee or other requirement pursuant to subsection b.  
5 of section 9 of this act.

6 (cf: P.L.1995, c.343, s.7)

7

8 35. Section 3 of P.L.1998, c.128 (C.55:14K-74) is amended to  
9 read as follows:

10 3. As used in this act:

11 "Agency" means the New Jersey Housing and Mortgage Finance  
12 Agency.

13 "Annual income" means total income, from all sources, during  
14 the last full calendar year preceding the filing of an application for a  
15 loan pursuant to this act.

16 "Bonds" means bonds, notes or any other form of evidence of  
17 indebtedness of the agency, bearing either a fixed rate or a variable  
18 rate of interest, issued by the agency.

19 "Eligible project" means a project undertaken by a qualified  
20 housing sponsor to create housing for shared occupancy by seniors  
21 or persons with disability of low or moderate income, whether for  
22 home ownership or rental, which meets the standards of eligibility  
23 for loans under the program created by section 4 of P.L.1998, c.128  
24 (C.55:14K-75).

25 "Eligible purchaser" means a purchaser of a dwelling unit in an  
26 eligible project who fulfills the definition of a senior or person with  
27 disability pursuant to this section, is of low or moderate income and  
28 to whom a loan may be made under the program pursuant to section  
29 4 of P.L.1998, c.128 (C.55:14K-75).

30 "Fund" means the Senior and Disabled Cooperative Housing  
31 Incentive Fund established by section 6 of P.L.1998, c.128  
32 (C.55:14K-77).

33 "Housing region" means a housing region as defined in  
34 subsection b. of section 4 of P.L.1985, c.222 (C.52:27D-304) and  
35 determined **【**by the Council on Affordable Housing pursuant to  
36 section 7 of P.L.1985, c.222 (C.52:27D-307)**】** pursuant to  
37 subsection b. of section 6 of P.L. , c. (C. ) (pending before  
38 the Legislature as this bill).

39 "Low income" means a gross annual household income equal to  
40 50% or less of the median gross annual household income for  
41 households of the same size within the relevant housing region.

42 "Moderate income" means a gross annual household income  
43 equal to not more than 80%, but more than 50% of the median gross  
44 annual household income for households of the same size within the  
45 relevant housing region.

46 "Person with disability" means any person who is 18 years of age  
47 or older and who fulfills the definition of having a "disability"

1 pursuant to section 3 of the "Americans with Disabilities Act of  
2 1990," 42 U.S.C. s.12102).

3 "Program" means the New Jersey Senior and Disabled  
4 Cooperative Housing Finance Incentive Program created by  
5 P.L.1998, c.128 (C.55:14K-72 et seq.).

6 "Qualified housing sponsor" means any corporation or  
7 association of persons organized under the New Jersey Statutes, or  
8 any other corporation having for one of its purposes the  
9 improvement of realistic opportunities for low income and moderate  
10 income housing, as defined pursuant to the "Fair Housing Act,"  
11 P.L.1985, c.222 (C.52:27D-301 et al.), and appearing capable, by  
12 virtue of past activities, qualifications of staff or board, or other  
13 features, of furthering the purposes of P.L.1998, c.128 (C.55:14K-  
14 72 et seq.).

15 "Retrofitting" means renovating or remodeling an existing  
16 residential or non-residential structure to allow for cooperative  
17 living.

18 "Senior" means an individual who is 55 years of age or older.

19 "Substantial rehabilitation" means repair, reconstruction or  
20 renovation which (1) costs in excess of 60% of the fair market value  
21 of a rehabilitated dwelling after such repair, reconstruction or  
22 renovation, or (2) renders a previously vacant and uninhabitable  
23 dwelling safe, sanitary and decent for residential purposes or (3)  
24 converts to safe, sanitary and decent residential use a structure  
25 previously in non-residential use.

26 (cf: P.L.1998, c.128, s.3)

27

28 36. (New section) a. (1) Notwithstanding the provisions of the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
30 to the contrary, the Commissioner of Community Affairs shall, in  
31 consultation with the Administrative Director of the Courts and the  
32 Executive Director of the New Jersey Housing and Mortgage Finance  
33 Agency, adopt, immediately upon filing with the Office of  
34 Administrative Law, no later than nine months after the effective date  
35 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
36 such transitional rules and regulations as necessary for the  
37 implementation of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), including for <sup>2</sup>:(a)<sup>2</sup> the identification of any  
39 vestigial duties of the Council on Affordable Housing and <sup>2</sup>【for】<sup>2</sup> the  
40 transfer of those duties within the Department of Community Affairs  
41 to the extent that those duties are not otherwise assumed, pursuant to  
42 P.L. , c. (C. ) (pending before the Legislature as this bill), by  
43 municipalities or the Affordable Housing Dispute Resolution Program  
44 <sup>2</sup>; and (b) the establishment of policies regarding the cost of the  
45 assessments and fees of planned real estate developments, as defined  
46 in section 3 of P.L.1977, c.419 (C.45:22A-23), on low- and moderate-  
47 income housing units<sup>2</sup>.



1 (2) The department, in consultation with the agency, shall  
 2 thereafter amend, adopt, or readopt the regulations in accordance with  
 3 the requirements of the "Administrative Procedure Act," P.L.1968,  
 4 c.410 (C.52:14B-1 et seq.).

5 b. The Executive Director of the New Jersey Housing and  
 6 Mortgage Finance Agency <sup>2</sup>, in consultation with the department,<sup>2</sup>  
 7 shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
 8 c.410 (C.52:14B-1 et seq.), no later than nine months after the  
 9 effective date of P.L. , c. (C. ) (pending before the Legislature  
 10 as this bill), rules and regulations to update the Uniform Housing  
 11 Affordability Controls as required pursuant to the "Fair Housing Act,"  
 12 P.L.1985, c.222 (C.52:27D-301 et al.). As part of updating the  
 13 Uniform Housing Affordability Controls, the agency shall set rules  
 14 establishing that, for the purpose of <sup>1</sup>newly created<sup>1</sup> low- and  
 15 moderate-income rental units, a <sup>1</sup>~~40-year~~ <sup>2</sup>~~30-year~~<sup>1</sup> ] ~~40-year~~<sup>2</sup>  
 16 minimum deed restriction shall be required. For the purpose of for-  
 17 sale units, a <sup>2</sup>~~20-year~~ ] ~~30-year~~<sup>2</sup> minimum deed restriction shall be  
 18 required. <sup>1</sup>For the purpose of housing units for which affordability  
 19 controls are extended for a new term of affordability <sup>2</sup>[(1) a 20-year  
 20 minimum deed restriction shall be required if the unit was initially  
 21 created before October 1, 2001; and (2) a 30-year minimum deed  
 22 restriction shall be required if the unit was initially created on or  
 23 following October 1, 2001] , a 30-year minimum deed restriction shall  
 24 be required, provided that the minimum extension term may be limited  
 25 to no less than 20 years as long as the original and extended term, in  
 26 combination, total at least 60 years. Any 100 percent affordable rental  
 27 property shall have a right to extinguish a deed restriction regardless of  
 28 original length, beginning 30 years following the start of the deed  
 29 restriction, provided a refinancing or rehabilitation, or both, for the  
 30 purpose of preservation is commenced and that a new deed restriction  
 31 of at least 30 years is provided. A municipality shall be eligible to  
 32 receive credits for all preserved units pursuant to this subsection, as  
 33 long as the original and extended term total at least 60 years, and this  
 34 credit may be obtained at the time of preservation. All 100 percent  
 35 affordable projects shall be eligible for any affordable housing  
 36 preservation program administered by the State, beginning 30 years  
 37 following the start of the deed restriction, regardless of original length  
 38 of the deed restriction. Any State administered preservation program  
 39 may allow a refinancing funding process to commence prior to the  
 40 30th year of the deed restriction when such refinancing or  
 41 rehabilitation funding is needed to preserve affordable housing<sup>2</sup>.<sup>1</sup>

42  
 43 37. The following sections are repealed:

44 Section 5 of P.L.1985 c.222 (C.52:27D-305);

45 Section 6 of P.L.1985, c.222 (C.52:27D-306);

46 Section 7 of P.L.1985, c.222 (C.52:27D-307);

47 Section 1 of P.L.1991, c.479 (C.52:27D-307.1);

1 Section 2 of P.L.1991, c.479 (C.52:27D-307.2);  
 2 Section 3 of P.L.1991, c.479 (C.52:27D-307.3);  
 3 Section 4 of P.L.1991, c.479 (C.52:27D-307.4);  
 4 Section 5 of P.L.1991, c.479 (C.52:27D-307.5);  
 5 Section 6 of P.L.2001, c.435 (C.52:27D-307.6);  
 6 Section 8 of P.L.1985, c.222 (C.52:27D-308);  
 7 Section 9 of P.L.1985, c.222 (C.52:27D-309);  
 8 Section 40 of P.L.2009, c.90 (C.52:27D-311.3);  
 9 Section 2 of P.L.1989, c.142 (C.52:27D-313.1);  
 10 Section 14 of P.L.1985, c.222 (C.52:27D-314);  
 11 Section 15 of P.L.1985, c.222 (C.52:27D-315);  
 12 Section 16 of P.L.1985, c.222 (C.52:27D-316);  
 13 Section 17 of P.L.1985, c.222 (C.52:27D-317);  
 14 Section 18 of P.L.1985, c.222 (C.52:27D-318);  
 15 Section 19 of P.L.1985 c.222 (C.52:27D-319);  
 16 Section 22 of P.L.1985, c.222 (C.52:27D-322);  
 17 Section 26 of P.L.1985, c.222 (C.52:27D-326);  
 18 Section 28 of P.L.1985, c.222 (C.52:27D-328); and  
 19 Section 9 of P.L.2008, c.46 (C.52:27D-329.3).

20

21 38. a. There is appropriated to the Affordable Housing Dispute  
 22 Resolution Program, established pursuant to subsection a. of section  
 23 5 of P.L. , c. (C. ) (pending before the Legislature as this  
 24 bill), from the General Fund \$12,000,000 for the purposes of  
 25 carrying out its responsibilities for the fourth round of affordable  
 26 housing obligations, as established pursuant to section 5 of  
 27 P.L. , c. (C. ) (pending before the Legislature as this bill).

28 b. There is appropriated to the Department of Community  
 29 Affairs, from the General Fund, \$4,000,000 for the purposes of  
 30 carrying out responsibilities allocated to it pursuant to P.L. , c.  
 31 (C. ) (pending before the Legislature as this bill).

32

33 39. This act shall take effect immediately, and shall apply to  
 34 each new round of affordable housing obligations that begins  
 35 following enactment.

36

37

38

39

40 Reforms municipal responsibilities concerning provision of  
 41 affordable housing; abolishes COAH; appropriates \$16 million.