

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2347 and 1106

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED FEBRUARY 15, 2024

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator BRITNEE N. TIMBERLAKE

District 34 (Essex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Community and Urban Affairs Committee.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 "Department" means the Department of Community Affairs.

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32

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

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

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

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

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

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

26 (4) The model ordinance shall not require:

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

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

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

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

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

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

48 (g) periodic renewals for permits for accessory dwelling units;

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

1 standards and procedures set forth in P.L. , c. (C.) (pending
2 before the Legislature as this bill).

3 (2) Except as otherwise provided by paragraph (9) of this
4 subsection:

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

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

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

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

33 (5) The model ordinance shall provide that an accessory
34 dwelling unit may be rented separately from the primary dwelling,
35 but shall not be sold or otherwise conveyed separately from the
36 primary dwelling.

37 (6) The model ordinance shall not prohibit an applicant from
38 seeking approval to develop an accessory dwelling unit, either
39 simultaneously with or separately from the development of a
40 primary dwelling.

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

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

45 (b) The maximum floor area requirement, if any, shall be no
46 smaller than 1,200 square feet, except as otherwise provided in
47 paragraph (16) of this subsection.

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

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

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

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

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

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

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

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

40 (18) Nothing contained in the model ordinance shall supersede
41 provisions of the State Uniform Construction Code, promulgated to
42 effectuate the "State Uniform Construction Code Act," P.L.1975,
43 c.217 (C.52:27D-119 et seq.), applicable to the construction of an
44 accessory dwelling unit; provided, however, that with respect to an
45 accessory dwelling unit or part thereof being constructed within an
46 existing primary dwelling, the provisions of the Rehabilitation
47 Subcode adopted pursuant to section 5 of P.L.1975, c.217
48 (C.52:27D-123) shall apply.

1 (19) A certificate of occupancy for an accessory dwelling unit
2 shall not be issued before the issuance a certificate of occupancy for
3 the primary dwelling.

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

9 (1) enforce and ensure compliance with the provisions of section
10 5 of P.L. , c. (C.) (pending before the Legislature as this
11 bill);

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

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

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

23

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