

ASSEMBLY, No. 5692

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:

Assemblywoman AURA K. DUNN

District 25 (Morris and Passaic)

SYNOPSIS

"RE-PLAN Act"; authorizes cumulative impact assessment for land identified as developable for affordable housing; requires DCA to establish educational campaign for municipalities concerning affordable housing obligations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT authorizing certain cumulative impact assessments,
2 supplementing P.L.1985, c.222 (C.52:27D-301 et al.), and
3 amending P.L.1995, c.231.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) This act shall be known and may be cited as
9 the "Responsible Environmental Planning for Land and
10 Neighborhoods Act" or the "RE-PLAN Act."

11
12 2. (New section) a. If a municipality identifies developable
13 land as part of the process of adopting and implementing its housing
14 element and fair share plan, the municipality may complete a
15 cumulative impact assessment regarding the identified parcels.

16 b. The cumulative impact assessment shall be conducted by a
17 third-party consultant, selected by the planning board in compliance
18 with the rules and regulations of the Commissioner of Community
19 Affairs, who shall possess expertise in the environmental,
20 economic, and social impacts of development.

21 c. A cumulative impact assessment conducted pursuant to this
22 section shall include, but not be limited to, measurements of the
23 totality of exposures to combinations of chemical and nonchemical
24 stressors and their effects on health, well-being, and quality of life
25 outcomes over time across population groups and communities
26 potentially impacted by such stressors following development.

27 d. If a cumulative impact assessment indicates that
28 development of the land creates a substantial environmental,
29 economic, or social risk to existing and prospective community
30 residents, consistent with the rules and regulations of the
31 Commissioner of Community Affairs, then the land shall be
32 excluded from classification as vacant land, consistent with
33 subsection (h) of section 1 of P.L.1995, c.231 (C.52:27D-310.1).

34
35 3. (New section) a. In compliance with the rules and
36 regulations adopted by the commissioner pursuant to section 4 of
37 P.L. , c. (C.) (pending before the Legislature as this bill), a
38 municipality may, for the fourth round of affordable housing
39 obligations, file an action through the Affordable Housing Dispute
40 Resolution Program, established pursuant to section 5 of P.L.2024,
41 c.2 (C.52:27D-313.2), to obtain an adjustment of its housing
42 element and fair share plan following the completion of a
43 cumulative impact assessment conducted pursuant to section 2 of
44 P.L. , c. (C.) (pending before the Legislature as this bill).
45 During the fifth and subsequent rounds of affordable housing

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.

1 obligations, the results of a cumulative impact assessment, if
2 conducted, shall be incorporated into the initial adoption of a
3 housing element and fair share plan.

4 b. A municipality may, by ordinance, impose a surcharge on
5 development applications or building inspection fees, in amount
6 necessary to cover the actual costs of the municipality for
7 complying with P.L. , c. (C.) (pending before the
8 Legislature as this bill).

9
10 4. (New section) a. The Commissioner of Community Affairs,
11 in accordance with the "Administrative Procedures Act," P.L.1968,
12 c.140 (C.52:14B-1 et seq.), and in consultation with the Department
13 of Environmental Protection, shall adopt rules and regulations to
14 effectuate the provisions of section 2 of P.L. , c. (C.)
15 (pending before the Legislature as this bill) on or before the first
16 day of the fourth month next following enactment.

17 b. The rules and regulations of the commissioner shall include,
18 but shall not be limited to parameters for:

- 19 (1) the qualifications and selection of a third-party consultant;
20 (2) the analysis that shall be included in a cumulative impact
21 assessment; and
22 (3) determining what constitutes a substantial environmental,
23 economic, or social risk.

24
25 5. (New section) Within 150 days after the effective date of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 the Department of Community Affairs shall establish an educational
28 campaign to assist municipalities on how to adjust their affordable
29 housing obligations for the fourth round of affordable housing
30 obligations.

31
32 6. Section 1 of P.L.1995, c.231 (C.52:27D-310.1) is amended to
33 read as follows:

34 1. Any municipality that receives an adjustment of its
35 prospective need obligations for the fourth round or subsequent
36 rounds based on a lack of vacant land shall, as part of the process of
37 adopting and implementing its housing element and fair share plan,
38 identify sufficient parcels likely to redevelop during the current
39 round of obligations to address at least 25 percent of the prospective
40 need obligation that has been adjusted and adopt realistic zoning
41 that allows for such adjusted obligation, or demonstrate why the
42 municipality is unable to do so. When computing a municipal
43 adjustment regarding available land resources as part of the
44 determination of a municipality's fair share of affordable housing,
45 the municipality, in filing a housing element and fair share plan
46 pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-
47 304.1), shall exclude from designating, and the process set forth
48 pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) and section

1 13 of P.L.1985, c.222 (C.52:27D-313) shall confirm was correctly
2 excluded, as vacant land:

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

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

18 (c) any vacant contiguous parcels of land in private ownership
19 of a size which would accommodate fewer than five housing units
20 based on appropriate standards pertaining to housing density;

21 (d) historic and architecturally important sites listed on the State
22 Register of Historic Places or National Register of Historic Places
23 prior to the date of filing a housing element and fair share plan
24 pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or
25 initiation of an action pursuant to section 13 of P.L.1985, c.222
26 (C.52:27D-313);

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

29 (f) sites designated for active recreation that are designated for
30 recreational purposes in the municipal master plan; **[and]**

31 (g) environmentally sensitive lands where development is
32 prohibited by any State or federal agency, including, but not limited
33 to, the Highlands Water Protection and Planning Council,
34 established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for
35 lands in the Highlands Preservation Area, and lands in the
36 Highlands Planning Area for Highlands-conforming municipalities;
37 and

38 (h) land that is determined, pursuant to a cumulative impact
39 assessment conducted pursuant to section 2 of P.L. , c. (C.)
40 (pending before the Legislature as this bill), to pose a substantial
41 environmental, economic, or social risk to existing and prospective
42 community residents if the land is to be developed.

43 No municipality shall be required to utilize for affordable
44 housing purposes land that is excluded from being designated as
45 vacant land.

46 (cf: P.L.2024, c.2, s.23)

47

48 7. This act shall take effect immediately.

STATEMENT

This bill, the "Responsible Environmental Planning for Land and Neighborhoods Act" or the "RE-PLAN Act," authorizes a municipality to complete a cumulative impact assessment on parcels of land the municipality identifies as developable land as part of the process of adopting and implementing its housing element and fair share plan pursuant to the "Fair Housing Act," (FHA) P.L.1985, c.222 (C.52:27D-301 et al.). The cumulative impact assessment is to be conducted by a third-party consultant, selected by the planning board in compliance with the rules and regulations of the Commissioner of Community Affairs, who is to possess expertise in the environmental, economic, and social impacts of development. The cumulative impact assessment is to include, but not be limited to, measurements of the totality of exposures to combinations of chemical and nonchemical stressors and their effects on health, well-being, and quality of life outcomes over time across population groups and communities potentially impacted by such stressors following development. If a cumulative impact assessment indicates that development of the land creates a substantial environmental, economic, or social risk to existing and prospective community residents, consistent with the rules and regulations of the Commissioner of Community Affairs, then the land is to be excluded as vacant land for the purposes of determining the municipality's fair share of the regional need for affordable housing.

For the current fourth round of affordable housing obligations, the bill permits a municipality to file an action through the Affordable Housing Dispute Resolution Program, established pursuant to the FHA, to obtain an adjustment of its housing element and fair share plan following the completion of a cumulative impact assessment. During the fifth and subsequent rounds of affordable housing obligations, the results of a cumulative impact assessment, if a cumulative impact assessment is conducted, are to be incorporated into the initial adoption of a housing element and fair share plan.

The bill requires the Commissioner of Community Affairs, in consultation with the Department of Environmental Protection, to adopt rules and regulations to effectuate the provisions of the bill. The rules and regulations are to include, but are not to be limited to parameters for: (1) the qualifications and selection of a third-party consultant; (2) the analysis that is to be included in a cumulative impact assessment; and (3) determining what constitutes a substantial environmental, economic, or social risk.

The bill also requires DCA to establish an educational campaign to assist municipalities on how to adjust their affordable housing obligations for the fourth round of affordable housing obligations.

The bill is to take effect immediately.