September

10,

ASSEMBLY BILL No. 1907

ADVANCE COPY

the General Assembly:

recommendations Pursuant Constitution, to Article for Н reconsideration. am <, returning Section Assembly Η, Paragraph B111 14 No. О Њ 1907 with the New

moratorium in December Jersey, stifling designed facilitate residential and to 31, commercial bill commercial help TOT the 2014. would development that past fund economic retroactively The reason development affordable non-residential ജ⊕ ₩ ₩ have growth. and. approved and housing reinstate extend economic Н support development the development extensions the moratorium until growth moratori efforts fee O fi without h T that this New 40

inum bе have that affordable housing January reforms funding existing considered cipalities However, დ Ի. said develop O. affordable simple, t 0 patchwork since 2011 improve the in meeting ı, organically, ano direct, \vdash moratorium S D housing must operate isolation O H conditionally State they grow affordable affordable and their needs broad affordable predictable 20 expanding Instead, affordable the ed housing housing vetoed non-residential <u>ը</u> മ വ Ö Senate the laws, concert with concrete policies housing മ that component availability Zno Bill housing municipalities goals and approach f e e No. 0 H reform assist cannot نب βS the tο r T Of

taken and the burdens affordable CLES improvement urgent Regrettably, OCI 02 action. and housing local need to O Ith since infrastructure t 0 our across During create reform housing Н outlined the their more State, New law silence, and meaningful Vт Jersey' n L without property recommendations 2011, Н ហ continued the pursodur affordabl opportuniti taxpayers Legislature for additional to housing stress reform

the affordable housing Reorganization oversight ehabilitated Legislature financial plans housing О Ні affordable through sat Plan; proddns affordable g opportunities the streamline new housing contributing sidelines, regulations; housing units through State |--| across C O sought through and review thousands grants a11 provide to 2 Ö Hı an Simplify counti loans, O Hi affordable for Executive new . 00 State real and 0

goals Ф Д Off f and and mechanisms Housing process មាននាម approach, Administration based Ç conditionally housing consistent driving focuses three ensible achieving ST achievable eali help But toward years should ПO 9 .zed needs. privatea E Act meaningful, with which βS X H Н fordable future t O with Ω ago, S D an \vdash that challenge Ф Д ወ encourage planning reached with vetoing long compromise have ЦB the sector broken Н considered our affirmative, ն Ի-Accordingly, development change. cal housing appreciation Senate said S CD the long-term State's system this investment the († 0 the 9 growth migration Ė. approved implement the Λ̄Μ 9 the reform S Legislature Assembly 6111 the and O Hi conditional unique locally part affordable Senate and the Senate affordable both HOK Hio past promote О Нъ with bipartisan and reform, action reinforced Of. change power the residential 0 economic in 2011. to refus must these controlled the pick u. sensible, veto housing nto market-based away housing ი ე natural \vdash S retain Affordable types ďП today βŊ S บ with ¢ take The communi from and stepping where reform r L H H H support predictable system 0 fi ለፀሂ development flexibility tlod տ Իaddit commercial the achi the measures **₹** C† housing factors largely Ϋ́ cannot ional stone State Fair this left CVEY that and ΛW H-

Accordingly, 1-4 herewi th d return Assembly **B**11 \vdash No 19 07 and

recommend that it be amended as follows

Page 2, Title, Line 1

After "concerning" insert "affordable housing and"

Page 2, Title, Line 2:

Delete in its entirety and insert "and amending, supplementing and repealing various parts of the statutory law."

Page 6, Line 41:

Insert new sections 3-29 to read as follows:

Whenever, i regulation, document, Affairs, available Housing, tand refer powers, that ar become Council a R e О Н are abol subject ton, moneys moneys appropriations otherwise, administrative herein Affairs Housing Act," (C.52:27D-301 established səsodınd Department Ç Department o section .293 (C.52: .52:27D-olished, əqə Community Φ hereby 9 2 8 requirement or federal ction 1 of (C.52:27D-1), continued Counci 8 otherwise functions, g available, available, established not the are # 0 6 K (New Ħ. 0 Ċ reference Άf Affordable and and = continued order efordable .ions, and repealed same Áq any judicial limitations, nents imposed al law. the О Н О Н P.L.1985, proceeding, Affairs. g (T appropriated, which s а П and the shall Affordable shall mean law, imposed Department provided. aw, rule, contract, in the Community ed in the Community a L except Д pursuant P.L.1966, (no đ and Housing "Fair 5, c.222 1.) is of its duties S L Housing Ô herein terms other made such and the ຸ່ສຸ Ьe 9 Λq , Ω , Ω to 20

This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

- 4. Section 47 of P.L.1975, c.291 (C.40:55D-60) is amended to read as follows:
- 47. Whenever the proposed development requires approval pursuant to this act

of a subdivision, or conditional use, variance pursus subsection d. of subject to restrictions adjustment: board grant subsection of [this (C. 40:5 section d. of sec [this act] P.L.1975 40:55D-70), the r rd shall have the r t O the ct O pursuant to to of section 57 P.L.1975, c.291 D), the planning nave the power to same extent and ន same pursuant the the site but e same board of plan not a

- a. Variances pursuant to subsection 57 c. of [this act] P.L.1975, c.291 (C.40:55D-70);
- the bed c public c control k reserved 23 of C c.291 (C. FOR LONG building or st le bed of a mappe bblic drainage ontrol basin or b. 1 cion .1975 issuance this act] [C.40:55D-32); Direction 25 of .291 (C mapped ΟĦ structure മ way, public pursuant [this a to section P.L.1975, .40:55Dpermit street or ay, flood act] 5-34) for in
- c. Direction pursuant to section 27 of [this act] P.L.1975, c.291 (C.40:55D-36) for issuance of a permit for a building or structure not related to a street; and
- d. Variances pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70), requested pursuant to section 23 of P.L., c. (C.) (pending before the Legislature as this bill) for a proposed development in which at least 10 percent of the units are reserved for low- and moderate-income households, in a municipality that has not been determined to be inclusionary.

Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.

The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required

substantial im intent and p subsequent granted un shall grant appro of t zone plan ordinance. substantial subsequent planning the the ova plan The ე ტ variance issuance of a pe conditioned un1 О Н board. approval separate approvals granted impairment detriment purpose and О К all and O K subdivision conditiona approval direction Z O shall be approval without shall required of the zoning Уď without permi t O the nodn the

(cf: P.L.1984, c.20, s.10)

5. Section 57 of P.L.1975, c.291 (C.40:55D-70) is amended to read as follows:

- 57. Powers. The board of adjustment shall have the power to:
- requirement, refusal made administrative administrative a. appeals ф Д Λq. or the the zoning where it is a appellant that made T T the enforc officer based he enforcement decision and any alleged t there order, decide g 0
- ordinance upon other requests of the uodn ordinance, this act; authorized Surnoz the which 9 Hear for 0 or for special . († () zoning Þ such accordance pass b official and decide interpretation board decisions questions map Áq ma.p with any 9 ა ე
- property, or exceptional conditions features unispectific pi existing application pursuant reason narrowness, shape of a extraordinary and situation uniquel 0 specif the <u>(C)</u> no i uniquely structures ртесе by r Ω thereon, О К uniquely piece of shallowness specific piecon (b) by reason 0 0 f Where: reason any О Н exceptional y affecting topographic physical affecting a y affecting of property as lawfully the strict regulation icle 8 of ь О , ce: (a) by exceptional reason piece 0 f an 0 H O.fi

an application relating to suc variance from application regulation so departures subsection d. shall be grar subsection; further that development dapproval by detriment, gr detriment, gr to allow c regulations article 8 c P.L.1975, c. however, that proposed use i beneficial us dispositive of a variance subsection and Act," P.L.2 (C.18A:7G-1 et a advanced by a cthe zoning exceptional difficulties exceptional hardship upon of such prope requirements of the d hardship; (application relating to of property this act or the "Educat variance subsection of [this c.291; and [this
would board plan such conjunction planning bo 0 Construction Act, " P. property act or the "Educational 0 variance 0 result proper, that conditional , R board Ω n so as to difficulties granted Ö o the open (2) and grant deviat subdivision, does of .291, the such with request pursuant of section 4 reques . of and the the departure deviation from deviation from a deviation from the senefits would any O H enumerated ту, and .2000, and ㅂ a decision under the provided the from the pursuant iation outweigh specific the parture from pursuant to [this act]

1 provided, he fact that a an inherently shall not be the has where the 9 such peculiar this 0 19 not purposes purposes proper grant to, under g Facilities
Financing
c.72
, would be which an J developer practical power for n those in section section der this provided proposed trequire planning variance use strict such relieve in an appeal piece of piecs of appea1 uodn that n on this and 29 ing 9 0, ťΟ hе Ø 70

d. In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of [this act] p.L.1975, c.291 to permit:

⁽¹⁾ a use or principal structure in a district restricted against such use or principal structure[,]:

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- (2) an expansion of a nonconforming use[,];
- (3) deviation from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining solely to a conditional use[,];
- (4) an increase in the permitted floor area ratio as defined in section 3.1 of P.L.1975, c.291 (C.40:55D-4)
- permitted in section undersized resulting subdivision area for detached c.291 (dapplied unit lots buildings, 9 7 0 oction 3.1 of (C.40:55D-4), ed to the req H 0 H one . 0 1 Ф either density the lot from 0 increase 10t 02 requi which two 0 S S S D se in the as defined P.L.1975, except as 0 lots lots isolated lots minor dwelling for for
- members, ir municipal thirds of the membership, regional article P.L.1975, structure this sub maximum the dis (6) principal exceeds by vote granted district 0 H subsection Хq hei 10 0 board, 10 of the : structure 10 feet or board, t for 291 t b var the permitted pursuant [this a iance shall affirmative least five least author or 10% the mitted in principal Case О Н which О Њ two act] .zed Ø

more varia variance enumerated of this sec under s 9 development req more variances variances the e requested ices shall subsection section, TD TOT an application requests one or nces but not a i i subsect the Ф Д variance മ Ω riance or rendered of this decision purpose

including relief No v be granted substantial detriment public good and wi inherently chout ciance may വ variance ф beneficia showing the r other re O fi эd involving variance granted this se relief nt to that section, 0, ٤, .thout other use, such can an

substantially impair the intent and the purpose of the zone plan and zoning ordinance.

required to requested subsection development has been pursuant housing beneficial a denial o Legislature the board required to oresumpt .vely deemed inclusi to section 1 use f a under o review pursuant for varia tances valid. of aftorumer inherently standards, and variance under Of. before this var not Lonary L9 of ances this

e. In airport delineated safety and 1983, "
(C.6:1-80 variance of agency provided shall no Transportation application may this sec standards a nonconforming use would be prohibited pursuant granted butime issuance section, appropriate D D not board t. and may Commissioner tation. t o that within under extend respect safety under toning L.1983, et other that e of establishment Ф Д О Н such under t referred t d d seq.), relief promulgated act, except a permit by oner act, ú the p which the adjustment person the Act report;
he period terms 7 Ö rms of any zones "Air An this to may of 260 ott

hear and determine which, where, and to what extent an alternative method described in section 22 of P.L. , c. (C.) (pending before the Legislature as this bill) of satisfying the set-aside requirements of section 21 of P.L. , c. (C.)

(pending before the Legislature as this bill) may be employed.

(cf: P.L.2007, c.137, s.60)

6. Section 9 of P.L.1966, c.293 (C.52:27D-9)

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amended

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EXECUTIVE DEPARTMENT

- 9. The department shall, in addition to other powers and duties invested in it by this act, or by any other law:
- (a) Assist in the coordination of State and Federal activities relating to local government;
- government recommendations Governor for legislation thereto; the and Governor of problems <u>(</u> Advi HOX. ຜ ທ 9 and anc proposed pertaining ΟĦ 0 inform affairs local make the
- (c) Encourage cooperative action by local governments, including joint service agreements, regional compacts and other forms of regional cooperation;
- (d) Assist local government in the solution of its problems, to strengthen local self-government;

 (e) Study the entire
- (e) Study the entire field of local government in New Jersey;
- (f) Collect, collate, publish and disseminate information necessary for the effective operation of the department and useful to local government;
- (g)
 inventory
 informatic
 clearing agency State and pro programs; and TO T #ox house and rere or information d Federal serv 0 H and Maintain and r data referral services and 20
- (h) Stimulate local programs through publicity, education, guidance and technical assistance concerning Federal and State programs;
- ways of provide efficiently municipal, local of OHH! Convene cials and county service cooperating economically; meet С О 20 ings discuss gs of other more to

or persons mediate or ar between lo compensation mediation, arbitration s government service p (j) available cooperative further C O nt arising projects local on request a ns qualified arbitrate disp g prescribe rat n for all su factfinding (services; [and] units from 9 and and make a list fied to disputes rates other joint uch and O. Fi 9

- (k) Post on the department's website three annual budget and three immediately preceding adopted budgets of any municipality or county that does not maintain its own website pursuant to the requirements of N.J.S.40A:4-10; and
- the Council on Affordable Housing that are not repealed by P.L. , c. (pending before the Legislature as this bill) and are transferred to the department pursuant to section 3 of P.L. , c. (C.) and section 17 of P.L. , c. (C.) and section 17 of P.L. , c. (bending before the Legislature as this bill).

(cf: P.L.2011, c.7, s.2

- 7. Section 4 of P.L.1985, c.222 (C.52:27D-304) is amended to read as follows:
- 4. As used in this act
- (pending b Legislature as subsequent to date of section (C.) (g p.I.1985, primary juri administrations obligations with sound the Co and, considerations pursuant Council on *i* ng established Legi t] ĹΥ [which shall jurisdiction tration of section P.L.
) (pending be jislature as the Department accordance regional planning ons in this to section to section (C. before Counci the. .a. t.d.t 8.t.d.t cil Af: bill) effec planning is State] tion 3 of 1" means ffordable this 5 of C.52:27D-` ≖ for before this ective have the and ьd

- which ogreatest means a gent than four counties significant and income Census Bu effective c.222 (C.5 statisti defined pri stical by Bureau ve date constitut t extent rimary .52:27D-"Housing geographic than the which social, similari contiguous, itute areas rorrd] two . 30 1 United O fi practicable metropolitan as as last . T ወ ct P.L. ron economic area es, exhibit L.1985, al.)]. region t 0 States whole and the 0
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- household households within the which the households household more than housing" affordable federal Der and other for h costs reserved home Urban Department and an Development ecognized stan ownership the housing tor. of the housing %0% income Moderat means with according income t ng occupied median occupancy Œ O H and Ø region i s located same equal less മ ent or candards housing Housing rental income gross gross 1 to than ß L **Hor** 0 Λ̈́q ur e Ċ
- participation" means resolution adopted by municipality in "" municipality with prepare housing (pending Legislatur amendment thi Ø ര ement act.] . u SB before this bi share in a chooses to share plan and in accordance (Deleted means which Хq the the ζď Οfi Ωi Ω
- f. "Inclusionary development" means a market rate residential housing development [in which a substantial percentage of the

housing units are provided for a reasonable income range of that includes units setaside as housing affordable to low and moderate income households.

- g. ["Conve the conversion commercial, inc residential straight substantial housing unfor a reaso amendment, (pending Legislatur households. O.f. pousing 1ow reasonable ure and inn purposes 'Conversion of percentage its are 8 Q moderate moderate 1.

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 , C. industrial, structures this] , C р. Д. where provided Φ X -а1 , i st income income means isting , or range the HOK Λg Ø
- any developermission pursuant t Land Use c.291 (C.40 development Jersey e Law," 40:55D-1 CT O Development" lopment for Agency" may "⊕ СД, Housing ө Б ው (ተ ent" means
 for which
 e required
 "Municipal
 P.L.1975, means pas and the
- New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c.530 (C.55:14K-1 et seq.).

 j. ["Prospective need" means a projection of housing needs based on development
- to approvals applications, transfers projections panni private er determining processideration established through 12 c (C.52:18A-19 (Deleted needs and befor this S S determination reasonably result region മിത് growth based ons prepared Planning Cc case 'nе 9 96. 90£ ac public ac public prospective on shall s of likely 7 S 7.4 Aq മ and) (pendi Legislature g may. real num (1) sections .1985, c. to occur unicipality, ä which development development economic ced by the Commission Ф Д seq.).. amendment, (pending as occur property actual given In need, ន 398 1 and 1 1 1 1
- means a person with a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect, aging or illness including epilepsy and other

seizure disord shall include limited to, paralysis, am of physical or speech physical service owheelchair, of physic blindness impediment, appliance hearing impediment disorders О К lude reliance or guide or other r 0 K ude, but not , any degree , amputation, 1 device. iment, muteness impediment or deafness coordinat e dog, remedial C nation, visual whi lack

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of
state Uniform Cor
Code Act, " P.L.19;
(C.52:27D-119 et seq
accordance with
provisions of secti
P.L.2005, c.350
123.15). constructed with the t standards of subcode add Commissioner Affairs pur "State Unifo adopted ler of technical f the barr Adaptable" with th section 5 o 350 (C.52:27D H H Construction 1.1975, c.217 seq.) and in with barrier le" means compliance by the Community free

households within the which the h housing"
affordable
federal Dep
and Urban
other rec
for home ov reserved households household household costs 1ess Urban ban Development recognized stan d income of the 1 Department and ownership and snou HOK very housing 0 H: with means according income the occupied occupancy median equal Low edian gross me for same size region in is located. О Н Ø income housing ent or candards Housing rental d or cy by t 0 K 30%

unit" means a residential dwelling unit that is price restricted, including: units that are deed restricted for occupancy by residents of low or moderate income; price restricted pursuant to covenants established for units financed by federal Low Income Housing Tax Credits; price restricted pursuant to covenants established for units developed pursuant to the "Neighborhood Revitalization State Tax Credit Act," P.L.2001, c.415 (C.52:27D-490 et seq.); units rehabilitated as either a sending or receiving municipality under a recional municipalio contributio ty _ty under a regiona agreement, an restricted residential is price receiving

units built or rehabilitated as part of a Community Development Block Grant, and subject to price controls; housing units operated by a Public Housing Authority; units constructed, rehabilitated, or receiving project-based assistance under the program authorized pursuant to section 8 of the United States Housing Act of 1937.

means undevelopable land"
having reasonable access to
sewer service, having a slope
of less than 15 percent, that
is not property owned by a
municipality or county and
designated by resolution or
ordinance as open space, and
located where development is
not prohibited pursuant to
the "Freshwater Wetlands
Protection Act," P.L.1987,
c.156 (C.13:9B-1 et seq.),
the "Pinelands Protection
Act," P.L.1979, C.111
(C.13:18A-1 et seq.), the
"Coastal Area Facility Review
Act," P.L.1973, C.185
(C.13:19-1 et seq.), the
"Highlands Water Protection
and Planning Act," P.L.2004,
c.120 (C.13:20-1 et al.), or
the Federal Clean Water Act,
33 U.S.C. ss.1251 through
1376, "Hackensack Meadowlands
Reclamation and Development
Act" P.L.1968, C.404
(C.13:17-1 et seq.).

housing" means housing, or the residential portion of a development that is permanent supportive housing, as defined in section 2 of P.L.2004, c.70 (C.34:1B-21.24), or a community residence that is primarily for occupancy by individuals with special needs who shall occupy such housing as their usual and permanent residence.

special ror more contains, bedroom a ne re Ø "Special needs unia a single unit needs housing for one occupants the aminimum, at a minimum, and a bathroom. == unit"
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municipality" means a municipality deemed, pursuant to section 19 of P.L., C. (C.) (pending before the Legislature as this bill), to have provided a variety and choice of housing as evidenced by the quantity of price-restricted units or amount of other units, the characteristics of which demonstrate an opportunity for low-income or moderate-income housing. "Inclusi means deemed, pur 19 of P.L.

means housing affordable to, according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied by, or reserved for occupancy by, households with a gross household income equal to or less than 120 of the median gross households of the same size within the housing region in which the housing is located.

development project" means new construction resulting in the production of five or more residential dwelling units, whether attached or detached.

development project" means new construction resulting in the production of fewer than five residential dwelling units, whether attached or detached, and shall not mean any construction of a single-family dwelling that is occupied by, or intended to be occupied by, the owner.

(cf: ۳.L. 2008, Ω 46, s.5)

8. P.L.1991, 307.1) i; follows: 'n Section c.479 amended റ ? 0 1 of .52:27D-read as

1. .99 _e βS used c.47 [thi (C.5 N W act 27D

Housing Agency "Agency" mean ng and Mortgage y established means Finance pursuant the

DEPARTMENT

to section Jersey Horsey Finance Ap. L. 1983, Housing Agency no ency Law 0 H1 and d Mortgage of 1983," (C.55:14Kthe "New

Commissioner Affairs. "Commissioner 0 Ēή means the Community

Legislature as the Department Affairs. (pending Legislature subsequent date of Council on created by Act, " I (C.52:27D-3 pursuant t P.L. Counc Λg 7.L 301 rt O Affordable the "Fair μī. as to section c. (C. 1985, thi ወ the his bill) and he effective (C. (C. before the this bill), of Community means ין מו ე | Housing Housing Housing c.222 the ill) and ffective and,

"Depart Department Affairs. ctment' = means the Community

housing region a by the [Council of Housing] Depa Community Affairs section [7 of P.] (C.52:27D-307)] "Housing the a Department
Affairs pursu
7 of P.L.1985,
-307) 1 17 of P Legislature region" egion" means a as determined on Affordable partment of დ . 17. pursuant 1985, c.: 7 of P.L. (pendi 2 2 2 pa_ ន្ត 0 0

before

construction rehabilitation buildings and and such stores social, "Project" or project" means any work or undertaking purpose of providin accommodations, who new construction appurtenant to accommodations provided. Act, (C.52:27D-3 persons and or moderate meaning of t meaning Act," of existing structures, shall be affordable persons and families of rehabilitation of existing st Ω Ω communal include may means any spect undertaking for of providing hous lations, whether 9 P.L.1985, -301 et a be the the income wit)1 et al.). Such undertaking may he acquisition, other t 0 Ø that a incidental 0 of lands, improvements, offices, and recreational, ner facilities within adaptat "housing specific for the ole to to of low thin the Housing c.222). Such 0 hous housing re to be roj Va ing the В О 0 Λq

Executive Department

Register directed [this ac (C.52:27D establish the commissioner act] 27D-307 Lished a Ö and Housing sect maint 1991 ion Pro ģ 0 ĊΩ Ħ the ojects of c.479 E Q

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- тωч 9. P.L.1991 307.3) i follows: ້ ເນື Section c.479 amended \Box <u>a</u> Ö 3 .52:2 read 7 as D-
- ratings shall the following f to each factor shall cause system for designating to each prothe regis to the ф ф 111 commissioner appropriate: register. s shall k cause for project The to be priority rati ject included l be based upon factors, giving r such weight as oner shall judge assigning commi developed a Priori ratings uded in Priority and
- (1) Feasibility.
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 financial feasibilic condi reas the requirements for which it rosnods capabi1 suff onabl availability ltions icient 0 Se T 'n cost developer and α̈́ h-О Н physical sibility, s proposed, a ty of financi amount and the edt⊅e regulato le locali cy. Each evaluated proposed and giving market and tng at T ty the
- project shall with relation effect in affordable housing reit is to be relation to the housing regappropriateness provide, (b) of affordable total number accordance and criteri Department Affairs Cobe given to affordable that the envisaged plan, (c) those afi persons income between ncome (2) ect teria and affordable and number t o those Desirability Consideration Į. those housing H H the nodwelling project the re (a) considered ტ ტ of th families region region, distribut rt O О Н region in which egion in which he located, in h the standards of the Community ideration shall) the number of welling units project would the proportion units to the project the project ideration of units project would the proportion units to the project units to the project units to the project units the project the project the project the project the project the project units the project the project units the project the project units the project the proje be tts affordable needs of inu evaluated s probable DT. moder proj Of. g Ct 0 ate in (d) the the low 0 0 0 0 O. Efi

proposed units as relation housing r t to the transfer of the trans appropriateness roposed ffordable relation rental housing S CD region. t O to 03 tenure units, ness of distribution the to region, family size, the needs of owner the of whether dnoooneeds the the of the the

- the project, affordable cjudged by the project shathe basis of state, in assistance forgone in proposal for such according such feasible (3)shall is of assistance. 9 to terms granted order the terms capplication the t, for dwelling 99 commissioner and ciency О Н COS t O 9 ssioner to desirable financial luated revenue further each unit t 0 made Each l on the the
- necessary
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 Affairs
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 the proj register, shall c supply all shall executive projects system of assigning and designating priorities, and in evaluating individual project and
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 ly the commi designation relevant oner and consult v e director for S 0 Hi the commissioner The such the developing the control the comm: timely and informat with assignment [executive council]
 Community
 [council] [execut Ľ, act О Њ ssioner 0 Hı agency fully with tion the euz the the

(cf: P.L.1991, c.479, s.3)

- 10. Section 4 of P.L.1991, c.479 (C.52:27D-307.4) is amended to read as follows:
- any hardwriting, almost the assistance of shall promptly arme to the c employee of the including any nor employee of the council, solicitation, proposal or cany kind, whe from any О Н. application, communication of hether oral or in med at furthering the member 0f the commissioner person who department, ber, officer e agency for ho receives repor any officer project ort the any

person rep herself t behalf of developer; fails or that infor shall so st subsect this ac state person the re 0 person or communicat relationship devel the report loper; or if or refuses information, register act, represents ը. capaci i B 0 Hi rado. state persons , not the Ф Ц requi the to O Hi ty It any s identified report identify s making If any the rements the rosnods 0 0 t himself acting accordance cements of ection 2 of port shall person's the sponsor the project n which the to the the person supply report the such 9 g 9 'n

procedures required un of this sec either to directly subsection force and a within the council; officers an agency give fi obedie the the made order adopt ij ο· subsection P.L.1985, under administrat 5 F σı e provisions of section (i es commissioner direct g G this act .enc ful ful develop ; and er land section the the 0 1 under illment n shall compl application e agency [a The the . თ 0 responsib the 'sı c.222 ហ ហ the employees ner shall devise
Notwithstanding
s of subsection
4 of P.L.1983, 0 council the a procedure which repo iance 14K-4subsection shall channels comm section commi commissioner commissioner rough such regulat ugno. 0 Hi [and with members, 0 oi L **0** ssione . D 9 0 fi shal :27D-tions ioner made ά. this full [and and his and the and the 7 O.f. OK S വ r† ິນ

those reports adequate proving inspection members respective F notified of c. Repo commissioner promptly for Governor and officers of Legislature, all member not 1 inspection commissioner' members and 1 a t œ R Reports and receipt and provision forwarded the Houses ហ Çţ. Houses Who the and commi 10 the made shal O Fi shal receipt shall r 0 days shall n for ports presiding Λ̈́q Ö \Box Ö Of f 0 cause their him, after the t of make the the of eq. the

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(cf: P.L.1991, c.479, s.4)

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

- housing municipalities fair moderate opportunity for of the fair housing elemonant other published the following to providing low income housing for low and housing. In housing municipality income ho and. that real the have establish combination which prov ncorporate . T D T other analysis it will pality, as techniques municipality sh that its 1 Ω Ή. been element .ty relevant fair for income share any H element, element the pro may 0 fi shall provide techniques preparing of low e housing technique and revised shall contain demonstrating shar wel . ქ provi adopting within techniques realistic provision ordinances rised to rovisic.
 The the ·tу, consider ques for moderate the Ф S D such de. shal such esn and 1a11 the the stor The t he 9 8 9 9 Λ̈́q
- (1) Rezoning for densities necessary to assure the economic viability of any inclusionary developments, either through mandatory setassides or density bonuses, as may be necessary to meet all or part of the municipality's fair share in accordance with the regulations of the council and the provision of subsection;
- (2) Determination of the total residential zoning necessary to assure that the municipality's fair share is achieved;

- measures municipality assure that assure that income affordable moderate tor 1ess an appropriate s than six y income units low \Box to Will ermination that and years; households period of tion of the take to moderate remain and
- (4) A plan for infrastructure expansion and rehabilitation if necessary to assure the achievement of the municipality's fair share of low and moderate income housing;
- providing income hou municipality municipally land housing; condemned Donation low HOK. owned and purposes Хα land moderat S C Ø the 0 f , 0 1 0 1 0 Œ
- (6) Tax abatements for purposes of providing low and moderate income housing;
- (7) Utilization of funds obtained from any State or federal subsidy toward the construction of low and moderate income housing;
- (8) Utilization of municipally generated funds toward the construction of low and moderate income housing; and
- appraised property, regulations the Commissi Affairs subsection of P.L.200 311.2).] secured excluding used at t (pending Legislat Хq notwithstanding total amount of (9) rivately sed for : the liens 1000 2000 value residential γ̈́ Ó The any S CD oner value Ω O H pursuant promulgated ner of Communi before this bill) (Del pursuant the Ŏ H 126 О Н exceeds purchase debt .eted tax S e C t rchase of al property al purposes all liens that <u>0</u> property; 0 Ηħ 52: Ø Ω secured . 02 iens, 27 the the the ď λη. Υα t o t o
- b. [The provide for schedule for of its fair s moderate (Deletec zt s മെത #OK income share municipality the Ω achievement housing. 0 low phasing and

before the Legislature as this bill)

c. (Deleted by amendment, P.L.2008, c.46)

or in P. (pending Legislatushall rec revenues low and housing. to 222 raise Ö. and require a Nothing C.52:27D-Ħ, 0 moderate order expend 0 before Ω municipality
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Legislature are i to paragraph subsection a. of developmental ement, included and ტ ტ .ity those fully measures tordability under ťУ O Hi moderate (Delete as (H) 448 848 10W Ϋ́ Ø includes rental T, O, f before this] n the hous housing un y credited the rules fair ection 2 (C.30:11B [When affordable towards Д Б П and disabled, this , O H ц О of 30:11B-2), fordable to id moderate or which to retain pursuant (3) 1 housing community **b**111 Ω Ω share rules section housing units snou income the the the the S Of 0 ន

public municipali municipali public donations, incidenta amendment housing provision substantia housing f persons, deteri that under public funds rehabilitation termined der P.L .52:27D-301 HOK HOT ially ity. tvord provi monies units of . ДТ. gran ovidiny advantage (Deleted S.O. 1ow purpose, the Lision ወ (ተ בר הל having he Legi O Hı rehabili and offo Leg of ည |to that deficient moderate islature housing c.222 Loans 7T tated ი. ი. ე ilize make ıs of been the any 20 Эq 9 Ф Ø

(pending before the Legislature as this bill)

without t council.] amendment council, actually amend i element has receive certification Ω Hconstructi affordable (pending egislat 061 ligated its af recei ure A the В TOD affordable num and ved S CD Д housing zoning approval (<u>Delet</u>ed effected († 0 before cipality ड्रांप provide, from which O H sdus ordinances bill) uni y which stantive housing 0 H Ω may has the the the

regul and Del densit Which incentives inclusionary municipality housing through (t Ъ provided accordance ations of shall 10°S (A) units this [Whenever ე ე and († 0 ကြ include λq development, shall provizoning powe 9 2 3 reduced ed T D g L through t t t subsection. W proposed with amendment,) (pending lature as developer affordable increased provide, council powers an to α

muni the fo 9 may affordable inclusionary (Deleted ensur feasibility .cipa increased Ó [[[] The application and the second approve lъ housi Ω the ХQ and counc) (pendir egislature e of development.]

amendment,
(pending as бц densi Ω set-asides developer ties reduced O. Hi nodn to Ø

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JTIVE DEPARTMENT

list as well waiting list. the special shall be give Following marketing qualified future qu placed list a general considered percentage units. Af successor municipa preference-occupied whenever affordable units k this emergency, preference marketing emergency pursuant preferences percentage provide time rental are vet receive ncy, as re-subsection, applicants l public units within the subsection, below ality's 9 che initial 120-day

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

12. Section 1 of P.L.2005, c.350 (C.52:27D-311a) is amended to read as follows:

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[for whi effective c.350 (C. against obligation] adaptable n order provisions which (C.52:27D-311a der to be con-Legis 19 to of of lature new (Ω be considered a ricted unit for a determination subsection a. of of P.L. , c. credit i (pending ture as new consti accordance s of sect: shal <u>ռ</u> Իe t F. before this ruction sought .200 al. share be with ,05, ,05,

construction" entirely new previously oc enti: 3 P 2 f 20 25 20 05. N purpose 0 Ω \circ (中の TOT' Ω w improvemen occupied or Ω 350 the s ta Ō 0 (C.52:27D-purposes of (C.52:27D-Ċ ST an not used 'new

(cf: P.L.2005, c.350, s.1)

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

those units which are constructed and r housing credit as prunder section 1 of P.L. (C. 52:27D-311a) section 21 of P.L. (C.) (pending the Legislature as this for adaptability, as pursuant to P.L.1985, (C.52:27D-301 et al.) any units for which was granted in accomits for the provision p.L.2005, c.350 (C.531) are found and the provision p.L.2005, c.350 (C.531) are found the conformation of the provision of the p assure compliance adaptability re imposed pursuant to c.350 (C.52:27D-311 within 90 notice from address obligation P.L.1985, cet al.). amend within such n revoke certifi require off 311a amend Con including measures , 8 4 4 ... Legislature as this adaptability, as pa et F. T. muni not n to .2005, : al.) Ω 90 . ლ άÏ 100 the S S S Ċ mo. Ω the days m the days pal fa: provisions
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(cf: P.L.2005, c.350, s.6

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

20. There is established in the Department of

ces collect section 35 of (C.40:55D-8.4) lapsing or municin additional fe pursuant to par subsection a. of P.L.1968, c.49 proceeds fron receipts of t households. Thall be permit shall be annually the monic document, o necessary costs administra Housing Ac (C.52:27Dmonies New Jers Trust Fi housing Housing less th such shal: all for "New Housing adminis c.46 (C Revolving the "New shall costs fund appropriate Legislature purposes, i fund separately, an Preservation
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Preservation
Proventing Fund funds, or othe be dedicated, revolving reserved tate hе ovided the Jersey st Fund monie: State any purposes L be fund, to exclusive t, and until at as, in d to, the receipts fee to paragraph (a. of section 3 49 (C.46:15-7), available Statewick alopmen to the state of a purposes. sha expenditures
fiscal ver riated Affordable us projects and d for deposi Jersey Trust band relate cration Act,": 7D-301 σ ďħ Trust ation \sim law, -8.4), the trust other funds deve 27D-Jersey 0 O H рe avai d, earmarked, or the by the for the purposes. All references w, order, rule, contract, loan, r otherwise, to "Neighborhood" appropriated O Fi Ьe relat Ö Áq of the accounted ted t o ttted 7.5 The remain payment The runce of repository of renormated Ŋ administed to Ч everting 329 O Hi lopment monies 7.5 perc fund, pursuant L.2008, < known as the Affordable Fund shal Y Aff Fund. appropriate housi purposes Эд source non-lapsing, und, and all section, , ед 0 development Nonlapsing shall mean department to utilize ∞ Щ from received the fund ted for ıd irom
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or P.L. , c. (C.)
(pending before the Legislature as this bill).

LILE SECTION,
41 of P.
(C.52:27D-320.
commissioner
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fund fo whose housing elemen sub received sub certification from council, in munici receiving State aid to P.L.1978, c.14 (C.178 et seq.) municipalities
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in section 28
c.222 (C.52:271
receiving munic
cases where the approved a regicement and project plan developed by receiving municipality. palities subject to a sr's remedy as defined etion 28 of P.L.1985, (C.52:27D-328) or in ring municipalities in ms in housing Except housing projects and in municipalities 320. loans subsection, and by the 1), municipalities te aid pursuant c.14 (C.52:27D-seq.), in L.2009, seq.), elements shal Ω from council ments have substantive from Уď permitt ű G regional n g. section and the award this has the the ;ed Ωı

established for municipalities petitioned the substantive prioritize projects the needs uni-grants and "New Je IOf
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available for Statewide development Housing y Affordable Fund" that trust municipal orust funds, funding ished for units when and awards
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Trust Fund. commissioner fees, collections funding include when awards fr non-residential lees, a priority g shall be for projects in that those that have e council for certification! sioner shall funding for include special when making wards from the projects that 1 are development the M from the 0 Housing derived monies from "New

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

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

Executive Department

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

- of a regicagreement;] affordable which are which of a income municipal elements h substantive municipalities commissioner affordable c. For council meet are housing have not all low onal provided housing no O may any housing certificat in and moderate obligation. 9 whose may need period w approve, contribut furtherance ig program part of a programs cated in that housing granted Ton e, the which the 0
- targeted the determined Amounts in applied for purposes in the income State region's State's l d. A Trus Amounts FOX. housing đ Jersey by the st Fund" shall regions based 's percentage h L low the the pung and deposited Affordable shall be following designated need council ntage of moderate shall based a B Ω Ω цo ЭĞ Œ
- (1) Rehabilitation of substandard housing units occupied or to be occupied by low and moderate income households;
- (2) Creation of accessory apartments to be occupied by low and moderate income households;
- residential residential provided percentage percentage housing occupied income ho (3) households; Λq units by low Conversion o O the edt and. space a R e purposes; substantial e resulting to be 0 non-
- property, removal const: and households, combination will be (4) not moderate Acquisition Of. thereof demolition buildings, of new occupied ÖK housing by low О ncome real and Ö
- (5) Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans and permits; engineering,

DEPARTMENT

approved contribut: O.f land undertaken development demolition buildings architectural technical se cal services; acquisition ings thereon; site nor and pursuant regional agreement; preparati infrastruct for ā and and structure projects t O \Box other ts of costs ion, any

- of housing administers unusable on nonprofit or housing association sound and local completion of or restoration; retained be restored economically state (C.2A:42-114 rehabilitation under entity (6) sanitary manner; 0 act housi II. 0 0 ٦. disrepair; ing Assistance ng as a corpor ÖŖ units which: 5u-Ф and ä T Ф С imited in feasible rehabi manner and safe, ά Ω Qi Ø authority, ed dividend <u>(C</u> ω al. rop which qualified receiver (a itation (g orat Œ Ø can decent erious 0 and Can Can 97.B for Ф Д a E g O.R
- infrastructure directly faci construction moderate incom income of the programs income and alteration occupied o handicapped households t 0 percentage construction († 0 without :hem the moderate be prov located (7) exceed premíses and rate income provided a housing, 0 OK 0 11 accessible 0 Hi ncome faci limi persons. the ήn Other costs low and low or ilitating of low ф ф dwelling βĵ tation, order ր. Մ common О Њ housing occupied ď₩ O housing nd moderate including, (a) reasonable and moderate projects housing nd (b) units the d D O K D make to they and ଟ୍ଟ ଦର୍ 1 ow not the the
- housing moderate shall co pursuant shall in guarantees which the years households Λ̈́q ensure agreement low loan continue ncorporate ollowing provided and that Any income t o and for moderate entered division grant any grant this procedures Ò the ۵ ۲ эd for is section contractual househo least unit low and ouseholds award 0 income except <u>۲</u> int loan of LTT Vd 20 of Ö

that the division may approve a guarantee for a period of less than 20 years where necessary to ensure project feasibility.

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list of ei provisions rule or tracts sl the depa adjusted income of the housing located which t project rehabil: (1) co rental housing as program ad department, census federal or de contra loans and. that low median assistance Ω Ω that department വ deed ce to rary, in moderate in a condition 0 depar contains tenants r moderate income or contractual guarantees ed restrictions be in to ensure continued low shall is 60 median the assistance f administered int, when decennial ր ۲units region income decennial tract Notwithstanding sof any other ctment uodn regulation in making er this sec t shall no HOK വ დ ყ for a twith eligible median bе percent n income income 0 e G census დ |provided mod lduq 30 maintained and shall publication and д Т and 0 f ing grants section, not requi after three figures the the located, census counc which moderate moderate he project or fewer (2) is stract in household census. providing occupancy from for or person ncil in lates census less the any the that each law, the .re S D Οf Λq S On рe

section 3 of P.L.2004, (C.52:27D-287.3), to rental assistance gunder the pursuant to P (C.52:27D-287.1 Such rental ass loans for an herein i commissioner allocate such grants or pursuant to without r author P.L.19 commiss be d nte such an necessary ssioner's deemed : t 0 K regard any on addition imposed, this program P.L.2004, N amoun,t: .y i loans other such et istance necessa section, discretion, grants Ħ t o sary səsodınd annually with
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be eligible housing prod P.L.1985, c. et al.), income g needs of households produced ი . 222 order t O 1.0) tand no occupy ccupy other pursuant to 5.52:27D-301 certain who may meet low the

- The report also details pertain In addition, shall prepa submit the Affordable Fund for and the Jo Housing Affc successor, information pursuant P.L.2004, 287.3) ar ranges grants the ' P.L. 287. uodn the Comptroller, discretion o fund monies 30th of each 3 Governor and the report for and submit rental controls constructed the fund, t units, grants indluding the a 11 State section bousing HO HO ation to i prepare for each State о К and loans by and which Affordability, pertaining allocated Were number The 0 Hì Joint assistance the the t O ษฐก 0 located loans, ЦP to its Lvity of details each Ω. using sdus those Treasurer section (C. renovacce sing monies from number of units affordability and μ. Audi Housing audit the department recipients ls, location the Хα shall "New year Legislature, Committee on Sility, or its post the ection Committee an fiscal by No .tor and Treasurer. а С department an annual the controls <u>0</u> from the web number († 0 Jersey Trust annually or State O H November .52:27 program 0 include Ġ fund, the those the State year shall ω ncome the the 0 OU О Н 0 0
- any in . award c.90 (C.52:2 municipalities Hous the to the provisions P.L.2009, c section appropriation le "New Jersey 0 Trust ion 41 adI grant commissioner 27D-Fund" pursuant of section (C.40: issioner may he amount of n deposited by Affordable nd" pursuant of P.L.2009, -320.1) section 39 (C.40:55D-39 39

(cf: P.L.2013, c.253, s.49)

15. Section 41 of P.L.2009, c.90 (C.52:27D-320.1) is amended to read as follows:

any there is million to Affordable Ω replace ţ . 222 sect Residential Act." secti (C. the noi established to)-8.1 8.7)**]**. Sect 52:27Dto 0 Hi appropriated the "New J 20 suspended development Housing ions Notwithstanding the the velopment fee under the the 'Statewide Development ons 32 through .2008, through 0 of P.L. contrary, Trust
pursuant
P.L.1985,
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of ** commissioner grants or loans to municipa [incorporated] anticipated housing project funded by development permitted commissioner . O . S . C . development trus this described portion directly Residential 25 7 7 7 7 . 'd grant issioner ts or loans lon 7 through section L.2008, council municipal loner project 0 H H receive fees stition of 307) ions section. 04 trust the Municipalities y the provisions Statewide Nonsubsection HOH HOH 18 32 throuc. 46 (C.4) C.40:55D-8. Development 'n shall loan വ μ. pursuant L.1985, « . L from appropriation Ļ. submitted the and ω D fund through num programs municipal award of a the 40:5 approve isting Tin award Ø Ω 55Dthat fund the Ħ e e The əsu any are 20 20 20 0 8 Ø

in part or municipal dev fund revenues. shall target the grant or municipalities plan projects extent (2) Tr relied that 0 0 K The et the development programs wh their loan based 9 awar commi odw housing housing funded issioner 1 of any e by trust any to the

(cf: P.L.2009, c.90 s.41

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

18. a. [Notwithstanding any rules of the council to the contrary, for developments consisting of

(C.52:27I-5), successor, and the Water Protection Council pursuant Monmouth Revitalization Authority pursu pursuant to including Meadowlands pursuant to section 6 o (C.13:17-6), Commission percent of units contextent the feasible amendment pursuant P.L.1975, section 7 Protection c.111 (C.1 (C:13:20-joint pla (pending Legislature Counci 11 uni 100 jur pla to households comprehensive ocated, irisdict lanning g d low 0 there О Н cons planning <u>C</u>. constructed,
this is ecc reserved C C 00 О Н pursuant 0 ω of P oction t O entity no. t o pursuant ĝ P.L.2. but О Њ c.291 shall master Ч ಚಿ . L the Act, '9A-8) ed, at the moderate ity required aster plan management p O H within before P.L. the section pursuant the "Pin ct," P.I statutory s economical еd 2004, any the 20 Ho Ho boards and New 9 d 0 residential 0 tion 1968, E E least Qⁱ CL a Commi Planning
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c. 16
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(C.40:55D-Ь. О Ъ. occupancy Д Ñ nt to Pinelands P.L.1979, the Fort Economic nmission 1 (i) of 3, c.404 inelands ţ dent égi y law, Jersey mission (i) of income 0 onal. plan 77 Эď שׁ he 0 t o 0

occupancy by income households, a income are defined in (C.52:27D-304), affordability required under the [council] unless the mu designated by the of Transportation constructed on sproperty, shall be or in part including, to, tra percent units units or in to, newlyт О О Д Ö covisi thi Res Res Ф being ions project c H D w. Sect **Ч**е 0 ransi constructed μħ Хq shal Subject THG THE TW t t O Hì financed on, muni the \Box ll be least consisting of ed residential lanced in whole h State funds, not limited t villages subsection d. n, a developer consisting of the controls Department and units resi department pality Ħ moderate
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with និក required [20] 10 sidential rules t 0 S S S Ьe

restunder thousing municipality a judgment of the fudgment and street the fudgment street the fudgment street the fudgment street the fudgment of the fudgment street the fudgment of the fudg has received [s certification fr council and (pending b Legislature as such petition dismissed or determined to municipality ma set-aside imposed by th through any c the alternate r for in section c. (C.) (1 the Legislatu received received certification council or has substantive is not approved plan or of P lo. of compliance nd such a reser required unde affordable h approved the plan, cy has municipality has გ. may may satisfy the requirement this subsection combination c means property of P. (pending ture as before s this bill) from the spetitioned for certification effective date has not repose reservati from y is located [substantive from the been ot required affordable or the substantive from the such not been otherwise provided P.L., ng before 2 Хq given] 0, thi ion the the the Ø Ø

transportation, critical resources, incluand open space and maximize regional
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of housing c. [(1) recognizes recognizes replanning e appropriately take a broade planning and affordable how existing there i program planning maximize ion of t broader to foster entities. environmental including farmland space preservation, mize the use of and. variety economic snou the created entities position The that infrastructure provision sing based near role q e Legislature regional and planning,
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growth,
nd choice
c public ioned ₽ Ç a new regional planni protect llue ä. the of are to g T ng d D

(2) The regional planning entities identified in subsection a. of this section shall identify and coordinate affordable housing opportunities in cooperation

opportunities, transportation of municipality; p this limitation apply to afford units directly to development environmental such other scouncil may po Jersey Authori Jersey I not result opportunit share Áq however, needs concerns housing such muni . ty Meadowl nicipa. onveni sports imitation ģ h T obligation 9 fordabl that regional t in more hange ies may regionally line with a such factors within ent. lands ordable more e in and such provided opportunities d Ð oncerns Λq attri and \bigcirc 'n ങ വ nd public bordination shall Ø employment

ad public entity acc Distri Exposi provided, provision than the regional transit the O.H uī. housing include provide housí Lbutab S CD .ty Я C t that may 50 fair eas to New not any the New ion ole 8

- entities identified subsection a. of section, the Reinvestment Deve Authority, in conjuith the Atlantic Planning Board, identify and coordinating affordable opportunities attributable to Atlantic casino development, where the (4) e Gas he restrictions 4) of this subse provided County, anywhere s of paragr Atlantic Development conjunction tic County nor: ried of paragraph ion. which oordinate direct housing directly tic City đ **%** County shall in this Casino 0 may thin thе
- (C.52:27D-118.24 are coextensive district which needs the "1 munic: eligil woul Act, (C.5 the designa ţ inc opportunit entities 0 fordabl 1ude .8A: = ĹΩ cipaliti ЭĞ 'Qual (4) -me Special 7 D <u>ф</u> tion provide as section Ð The trict .ty i es Ħ tion shall activities receive ocated . . Educati L.1990, S coordination Municipal .987, quali by identi housing with 36 T a S and Ø that re ai 7 . Op housing regional suant Ø "special to uant to n Act of c.52 0 Q 9 those are under l Aid c.75.), or school or a Year; not which units 0

jurisdiction regional ent amendment, (pending Legislature ass c·1 and section. 2 3 4 1 4 1 4 'n toesdus <u>a</u> ance under .52:27D-178 %t fall v qualified entities ion P.L. as or the specified in a. of this (Deleted L. 0 before this bill **%**1 ∞ thin . u Ö (D) receive L.1978 seq.) the

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site plan approval p

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percent 7cax credit section 35 of (C.34:1B-209.3 "eligible mu pursuant to (C.34:18-207 reserved or units wi to [20] total, qualified projects receives Net Offici such for 208), shall have the option of deciding the percentage of newly-constructed residential units within the project, up the households households. P.L.2007, defined mixed contrary, d. N rovisions f this se low approva terms Ó percentage, in required to be section, **BSD** moderate rog section, or any ot regulation to n T 10 percent required O K H H Notwithstanding municipality,'
n section 2 and H. 9.3 (3) HOK H ĺΩ quired by low income よって which a P.L.2007, et seq.) moderate su, or cation to purposes projects or residential a business credit 0.346 accordance pursuant P.L.2009, c conditions ρ project, ent of date mixed qualified that har deemed. (C.34: reserved
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tions of 0 any, , " as 2 of 34:1B-option tage of t has final Ω • up the the the 0 t fi 0 00 00 00 00 οf an 0

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

Department Affairs t "Fair Housi c.222 (C:5 and to ass that are fulfilling to provide housing, for lowshall variety provide Housing (C:52:27 -ing ф. and (New section) It the duty of the of Community to administer the sing Act, " P.L.1985, 52:27D-301 et al.) sist municipalities developing toward their obligation de an appropriate and choice of (New including moderate housing e-income

families. The department shall:

- a. Determine the housing regions of the State, for the use and information of municipalities;
- b. Promulgate guidelines and criteria for housing elements prepared pursuant to section 19 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-28);
- subsection of P.L. (pending Legislature whether a muinclusionary make бл re as this determination municipality Ø Pursuant of sec municipal before Ω sect a noi; -ty ŗ. цо, დ Իthe an O, to 19
- covenants or maintain the inclusionary bill) t in e pursuant a نΩ mode1 jegi Establish t O) (pending as language forther devices affordability units gui developed .deli before this tУ 0 tt 0 tt gau.
- marketing those indeveloped 21 c. ((before this b: 119 $\widehat{\Omega}$ Ë O.f. the Establish requirements inclusionary · pursuant and Legislature († () Ħ. irmative ts for units Д section pending as
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g. The department shall promulgate guidelines for development fees lieu of construction of fractional dwelling units.

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(C.52.1 revision, or amendoe effective upon the Office of Adm revisions c existing concerning substantive and any ACC," P. (C.52:14B-1 Department Affairs may necessary purposes may adopt . wer rules may 0 new and . О S S . [such o effectuate this section ive petitions for certification, uch regulation, amendment shall upon filing with of Administrative Ð regulations, regulations, for О Н his section, regulations, promulgate 196 ∞ seq.), regulations O Procedure c.410 Community ion, any the 00

- provided for the region low-18.
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 (C. shall apfor a before an housing. inclusionary apply bill) the the f or days date ທ to to (New эd determinat its portion of opportunity for moderate-income municipality. Legislature Ω the department rmination of section)
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- before the this bill) may department at evidence have beer tha in based the Ω 7 sect ten-year has. been ? ? nor not that satis uodn may \vdash met 19 (planning Legi any \supset those sfied. municipality the criteriof P.L. reapply ly time slature time during ning cycle, additional se criteria (pending († () as the та У
- 19. (New section) a. The department shall determine that a municipality is an inclusionary municipality if:
- (1) at least seven and one-half percent of its total present housing stock is price restricted units; or

- of section c.386 (C.4 multiple dwe of the hous single-family housing; or located in a mas defined in of section 3 pursuant to section 3 of (C.55:13A-3) housing; this housing less than paragraph at least 9 dwellings stock to (C.40:55D-102) O Hi subsection of P.L.1967, , provided one-half of mobile subsection of P.L.19 mobile described \Box 33 percent stock is: attached ა შ home defined nor rental homes park on d. 1983, the in о Д 76 76 0
- (3) it adopts zoning ordinances or incorporates into its Master Plan prepared pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28) standards that contain:

 (a) an analysis of the
- (a) an analysis of the
 municipality's current
 housing stock;
- (pending Legislature which mav purchase existing of supp how the satisfy existing controls, and citi housing needs apartments; the iforq-non developments; and provision percent moderate pursuant innovat. ncourage to ncome N construction supportive s housing; ens other S; variety housing opportunities moderate may Ø units; t 0 0 the municipali plan and developers the means f funding source incentives he development off-site low a income Q S CD construction before Section include, and and programs onstruction by lopers of 100 and moderate developments; and mark down construction and special extension of affordabil O Hì 061 accessory rams to O chocaining ĽtУ for low sion of dability other provide provide ligation 20 of pousing sources the bill), ٧. ۲. and 0 t fr 0
- (c) a detailed analysis of the municipality's existing low and moderate income housing stock; and
- (d) a detailed plan providing for any municipal

action, including rehabilitation, necessary to address the needs of a municipality's low- and moderate-income households residing in dilapidated or unsuitable housing;

- or (2), t give spec units r following of P.L. (pending Legislature twice as muc muni municipality's h determination subsection a. 0 when actual whether (2), .cipality making special the much newly the b Ω S CD department Q municipali weight before effect needs H housing paragraph pursuant determ nor inclusionary const <u>ි</u> и Н DAT. king a ant to raph (1) it shall housing structed ination O H the .ty stock date QJ
- (2) In making a determination pursuant to paragraph (2) of subsection a of this section, the department may exclude buildings determined to be luxury dwellings.
- ordinances (elements with of Community to name undertake a the munici for the s determining filling meets subsection section, the deemed the criteria in this ethis paragraph a. of this ΟĦ s filing, Affai Community Affai event municipality's paragraph meets ħ. with the . 0 О Н (3) nogU section sole this 0 h the De Affairs the of ω മ iling shall satisfy section. whether Affairs Commissioner Affairs will ted review of filing Master challenge purpose of
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- determination pthis section this section, adaptable as section 5 of following tof P.L.2005
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 L.2005, Ω îice, 350 pursuant unit sha s constr restri (C.52:shall t 0 sect cructed e date 52:27D-0 .cted 350 350 350 ur eq t a p d

d. A received certificati N.J.A.C.5:9 be considered municipality presention until fully implement its fair-s Housing beginning approved coperiod; provided municipality con fication .C.5:96 .C.5:97, .Council dered share June and num pursuant <u>a</u>n continues t faithfull provisions o the plan 5 20 provis: plan. the Ω the inc erti palit pality turned substantive under and 2008, end ∄£ ĸ rules of
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- the Commissioner or department pursuant to this section shall be deemed a final agency action appealable to the Appellate Division of the Superior Court.

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(1) For any me development p defined in subs section 4 of P. (C.52:27D-304), redevelopment, rehabilitation, development, reuse of a 20. (New subsect new മ section)
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- residentia project, subsection P.L.1985, providing for construction units. residential project to needs count a Nothing occupancy moderatethat one residenti proposed project reuse small HOK H municipali new P.L. development, shall reservat development rehabilitation, e C t when the developer one Ф Д and resident S) (O) О Н tion, housing smal1 that :<u>;</u>a_1 р П construed to nt project if construction, H H two 五OK рe S CD yns purposes S <u>.</u> pay the out Ф ន JO.J Ω income would 222 this resident cial deve housing units.
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- development pursuant to of this sect approvals municipal: reasonable facilitate viability 0 0 0 į. Where local О Н Ō, tion R D the Ø E E the shal effort land government required, e economic inclusionary developed requirements make esu 0 Ø
- c. A municipality, in evaluating the economic viability of an application for an inclusionary development, may be guided by the applicable provisions of

N.J.A.C.5:96
N.J.A.C.5:97, the regulations of the Council on Affordable Housing for the housing round beginning June 2, 2008.

- section shall municipality additional requirements redevelopment rehabilitation any forn development of a reside [ord ect. residen form shall Nothing 0 Ġ. Ř i a L from imposing inclusionary adaptive reuse al development projects of in prec i. lude infill lo logn thi. ີດ Ø
- reserved moderate-pursuant shall be income units municipality units is bei rehabilitated moderatehigher pursuant ermined odd shall be reserved housing and number number to Half for being income 0 ţţi ф В income 0 ₽0₩- $\mapsto \Omega$ 0 f this 0 and ow-income or one housing this section ved for low-and half the reserved for housing. If of affordable constructed, or developed section, the reserved section units the may nni e ಕ್ಷ S
- kitchen, sleeping contained dwelling income this s popul are any public private Towф ф ф specif lation available income or move housing pursuant section shall be se sect and ecifi Ä entrance, uni sanitary f quarters not a units Leas S segment to restricted to segment of the reserved for or moderatepursuant to hall be selfresidential with facilit and and 1616 which Ø Ø Ø
- of P.L. (C.)
 (pending before the Legislature as this bill), or that has received substantive certification from the former Council on Affordable Housing Commission, section 1, c. (C. before the this bill) from the resection for the housing d for has subst 0 ιQ antiv the τo requifor ; the \supset petit 7 the nun State shall be lirements the dura round fo pursuant of P.L. nicipality that tioned for certification Legislatur shall be e effective durat: Planning exempt of this (pending nor Ø which date S TO S Ö

certified. This section shall not be construed to apply to a municipality whose petition for substantive certification is dismissed or otherwise determined to be invalid.

- withdraw a substantive coact to certification comply with to of P.L. (pending Legislature as satisfying the of this section not the municipality petition S D Ω the withdraw before Ω thi requi d elect to requirements Ö <u>C</u>. bill) rement ď Ö may for the Ãq to w
- municipality may authorize the following alternate means to satisfy the set-aside requirements imposed by section 20 of P.L., c. (C.) (pending before the Legislature as this bill):
- (1) Permitting the required inclusionary units to be newly constructed offsite;
- (2) Permitting the required inclusionary units to be provided off-site by rehabilitation of existing substandard units;
- developer to pay a developer to pay a development fee in lieu of constructing a portion of the inclusionary units into the New Jersey Affordable Housing Trust Fund established pursuant to section 19 of P.L.1985, c.222 (C.52:27D-320) for the construction of affordable housing;
- (4) Assisting a municipally-sponsored 100 percent affordable development;
- (5) Permitting construction of Elder Cottage Housing Opportunity units;
- (6) Permitting the construction off-site of accessory apartment units affordable to low- and moderate-income households;

- moderate-income 1 affordable sale rents ("buy down"); and purchase units t sold or that 0 sale Permitting a S S subsidization down, households subsequentl to low- ar prices lows or write and a t the of
- (8) Permitting the construction of an assisted living residence in which all or a designated number of units are restricted to lowor moderate-income households.
- application, the adjustment shall determination the and determining what extent alt project application may be include approval of satis board Legis determination of its decisi section requirements a satisfying Эď slature the р resident decision 0 fi 20 the employed, ű C O. (pending k ny person dential de shall o f shall adjustment alternate reasons case to alternate the ₽.Ľ. С С the the set thereon. which, the development file an limit 100 approving befor and board for its findings engaging zoning \vdash 0means aside means Ω α τ τ ο τ HOH. the an Λ̈́q C C

Department of Affairs shall standards for documentation for rehabilitation. means the repalteration, range a building to by Uniform rehabilitat adopted by of Communit system and investment \$10,000 the pursuant rehabilitation containing Uniform Construction Act," P.I.1975, (C.52:27D-123), that is the rehabilitation of ection, section 五 の 円 and purposes "rehak ţŢ. repa per "rehabilitation"
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22. (New section) A municipality may provide a preference for occupancy of up to one-half of the units required to be provided



(pending Legislature those house least one months of the m households the one member who municipality pursuant P.L. municipality seholds Ø C^{\dagger} who that 0 Ω before s this bi lds that l resides i . О О who and tion â works in to those least \sim 0 0

- variance pure subsection d. of section of p.L.1975, c.291 (C.40:55D-70), the planning board shall, pursuant to section 47 of p.L.1975, c.291 (C.40:55D-60), review the request for a or a site plan or a moderate-i requires a the "Munic P.L.1975, et seq.) site plan of P.L.1975, 60), review subdivision, conditional this bil residenti project percent substant: public go beneficial developer variance, including housing u to the 40 μ any mutermined clusionary e departme section make eloper shall make only a variance or Ω (C. the bill), lential act in a be ntial good vari <u>a</u> a G the Legislature as 11), when a proposed development in which at least 10 of the dwelling units aside for low- or e-income households approval pursuant to nicipal Land Use Law, " 6, c.291 (C.40:55D-1) of a subdivision, an or conditional use, ariance, including a unit (New and muni granted v lent 19 to be municipality ent as descri t O use, an shall മ the section) О Н showing e, or a development affordable libe deemed inherently and the be required showing that other relief ed without ment to the þе ъ. Г. ibe 10t an by ed
- b. The provisions of this section shall only apply to a municipality's vacant, developable property.
- c. The provisions of this section shall not apply to a municipality that has adopted an ordinance that reserves, for use as workforce housing as defined in subsection s. of section 4 of P.L.1985, c.222 (C.52:27D-304), at least one-fifth of its vacant, developable property having reasonable

access to sewer service, for residential use.

- the Legislature that assists per experienced, experience, the purchase ne affordable they may needs of income h within the otherwise residence, needs of occupy federal and any occupied persons regulations effectuate requirements pursuant housing waived ons to persons 10ss ₽ affirmative the such households О К ons benefitting from program established to P.L. new 9 lowincome О Н1 occupy, reme, we or rehabilitated housing units that have previously housing the municipality, O K owned. n housing State law (pending k the Ó persons promulgated housing twe law, the ive marketing contained in promulgated to program shall the their pers and qual foreclosure ir personal dresses the 0 moderatewho residing before unde . ലവ have are 1 to may
- 25. (New municipality liable for an obligation regulations Housing pur Housing Act (C.52:27D-3 of P.L. (pending Legislature 1aw prior the 20 Counci († 0 pursuant Act, " P.I fact (New 301 Ó the any H. promulgated on Afford ant to the "P.L.1985, c Ċ Ω before secti shall Ω (T effecti unmet based р С (uot: ime ř. ated by Efordable The "Fair 35, c.222 . ⊕ not ,11) hous В period . თ date any ettbe μ. tto эd
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including all appeals, including an appeal to the Supreme Court of New Jersey.

- 26. (N No exclusion naming a m defendant sl 365 days effective d c. (C. before the this bill). the ionary shall date muni following e of P.L. Legislature cipali Ø zoning 9 (pending Led as action the for മ
- b. Subsection section shall not a municipality subjection order to affordable housesthe effection. thi thi 9 8 10 10 10 10 10 order to le housing the a Legis subject apply lature Q (pending rort , e . L († 0 רל 0 this to Qa Qa S Ø
- remain shall t c. For involving of instituted effective this hereunder before statutory e the bill), n with take a 日のよ For any litige exclusionary zero description to date of P.L. judi Legislature jurisdiction the court, wh .cial intent urt, which notice of the stated litigation ary zoning to the (pending 9
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- 28. Section 7 of P.L.1985, c.222 (C.52:27D-307) is repealed.
- 29. The following sections are repealed:

Section 5 of P.L.1985 c.222 (C.52:27D-305); section 6 of P.L.1985, c.222 (C.52:27D-306);

c.222 (C.52:27D-306); Section 6 of P.L.2001, c.435 (C.52:27D-307.6);

Section 8 of P.L.1985, c.222 (C.52:27D-308);

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Respectfully, /s/ Chris Christie

[seal]

Christopher S. Porrino the Governor