

STATEMENT TO
[First Reprint]
SENATE, No. 2577

with Assembly Floor Amendments
(Proposed by Assemblyman GREENWALD)

ADOPTED: MARCH 16, 2009

These floor amendments modify several sections of the bill to make it identical to A-3772 (1R). The amendments correct the title of the bill, add a definition to section 2 of the bill, and make a technical change to section 3 of the bill. The amendments also modify language in sections 6 and 11 of the bill.

Section 6 of this bill, as amended, provides that the subdivision or site plan of a converted development may reasonably be revised to permit certain changes to a project. Under the bill, as amended, the subdivision or site plan may be amended to accommodate parking, recreational improvements, infrastructure enhancements, a reduction in the number of units, different height requirements, revisions to dwelling footprints and to accommodate the affordable units as attached housing. The amendments to this bill also substitute the term "floor area ratio" for the less specific word "footprint."

Section 11 of the bill, as amended, provides recourse to the courts if local approval for a converted development is denied or granted on terms not acceptable to the applicant. The section, as amended, instructs the court to consider criteria provided in section 3 of the legislation.

The General Assembly wants to clarify its understanding of sections 13 and 14 of the bill. In section 13, the phrase, "or any program which addresses the needs of low and moderate income households residing within the municipality including, but not limited to, State, federal or local programs . . ." is understood to refer to those types of programs mentioned in the previous clause; that is, rental or purchase programs implemented to prevent the homelessness of persons who have experienced or may experience the foreclosure and loss of their personal residence. The General Assembly understands that affirmative marketing requirements otherwise remain in place.

Section 14 of the bill is understood by the General Assembly not to affect the authority of a municipality to require developers to include units affordable to low- and very low-income households, which are required as part of a municipality's fair share plan.