

# ASSEMBLY, No. 2278

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**  
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Requires Council on Affordable Housing to adjust municipal fair share to reflect job loss in a municipality.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning affordable housing and supplementing  
2 P.L.1985, c.222 (C.52:27D-301 et al.).

3

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

6

7 1. a. For purposes of this section, "employer," "plant closing,"  
8 and "mass layoff" shall have the same meaning as provided in  
9 section 1 of the federal "Worker Adjustment and Retraining  
10 Notification Act," 29 U.S.C. s.2101.

11 b. A municipality may petition the Council on Affordable  
12 Housing for adjustment of its fair share upon:

13 (1) receipt of notice from an employer, pursuant to section 2 of  
14 the "Worker Adjustment and Retraining Notification Act," 29  
15 U.S.C. s.2102, or regulations promulgated thereunder, of a plant  
16 closing or mass layoff in the municipality by the employer; or

17 (2) evidence of jobs actually lost or transferred from the  
18 municipality as measured by the last annual estimate furnished to  
19 the municipality by the New Jersey Department of Labor and  
20 Workforce Development or an equivalent federal agency.

21 c. Upon receipt of a petition from a municipality, the council  
22 shall adjust a municipality's fair share affordable housing obligation  
23 to reflect actual job loss in the municipality caused by a plant  
24 closing or mass layoff.

25 d. Nothing in this section shall modify any right or duty of the  
26 council to perform a realistic opportunity review pursuant to section  
27 13 of P.L.1985, c.222 (C.52:27D-313).

28

29 2. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill supplements the "Fair Housing Act," P.L.1985, c.222  
35 (C.52:27D-301 et al.), to require the Council on Affordable Housing  
36 ("COAH") to adjust a municipality's fair share obligation to reflect  
37 any permanent job loss within a municipality upon petition of the  
38 municipality. The municipality may petition the council following  
39 notice from an employer pursuant to the federal "Worker  
40 Adjustment and Retraining Notification Act" ("WARN"), 29 U.S.C.  
41 s.s.2101 et seq., or receipt of notice of job loss in the municipality  
42 from the New Jersey Department of Labor and Workforce  
43 Development or an equivalent federal agency.

44 WARN protects workers by giving them advance notice of  
45 certain large-scale layoffs. This federal law requires large-size  
46 employers (defined under the federal law as businesses with 100 or  
47 more employees, excluding part-time employees; or 100 or more  
48 employees who in the aggregate work at least 4,000 hours per week,

**A2278 DEANGELO**

3

1 exclusive of hours of overtime) to notify local government units  
2 prior to either laying off more than 50 employees or permanently  
3 shutting down a facility or operating unit when the shutdown would  
4 affect more than 50 jobs. This legislation would require COAH,  
5 upon petition of a municipality where a shutdown or mass layoff  
6 has occurred, to adjust the municipality's fair share obligation to  
7 reflect the permanent job loss in that community because of the  
8 closing or layoff.