

**SENATE, No. 3560**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED MARCH 7, 2019

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen and Passaic)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**SYNOPSIS**

Imposes moratorium on affordable housing litigation through December 31, 2020.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT imposing a short-term moratorium on affordable housing  
2 litigation.

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

6  
7 1. a. Any litigation or action concerning the obligation of a  
8 municipality to provide its fair share of affordable housing that is  
9 pending before the courts of this State on the effective date of this  
10 act shall be stayed until the expiration of this act.

11 b. Any litigation or action concerning the obligation of a  
12 municipality to provide its fair share of affordable housing shall not  
13 be commenced in the courts of this State on or after the effective  
14 date of this act until the expiration of this act.

15 c. Nothing in this act shall be construed to impair or affect in  
16 any way any judgment or settlement of any litigation or action  
17 concerning the obligation of a municipality to provide its fair share  
18 of affordable housing that was issued or executed prior to the  
19 effective date of this act.

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21 2. This act shall take effect immediately and shall expire after  
22 December 31, 2020.

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25 STATEMENT

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27 This bill would impose a short-term moratorium on affordable  
28 housing litigation in the State in order to provide the Legislature an  
29 opportunity to craft an alternative to litigation. Litigation over the  
30 fair share affordable housing obligations of municipalities has been  
31 ongoing for decades, yet has produced little affordable housing and  
32 little clarity on the issue. Further, all this litigation has been a great  
33 expense to municipalities that is ultimately borne by the taxpayers.

34 Moreover, as recognized by the Supreme Court of New Jersey,  
35 the myriad issues concerning affordable housing are policy matters  
36 best left to the Legislature to address. Accordingly, it is appropriate  
37 and fitting, and in the public interest, to temporarily pause the  
38 current spate of litigation over municipalities' affordable housing  
39 obligations to allow the Legislature to develop new guidelines that  
40 account for present-day needs and realities, and that can determine  
41 affordable housing obligations in an efficient manner.

42 The moratorium would be effective from the date that the bill is  
43 enacted through December 31, 2020.