

ASSEMBLY, No. 1290

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman GILL and Assemblyman KELLY

1 AN ACT concerning the powers of municipalities to provide for low
2 and moderate income housing and amending P.L.1985, c.222.

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

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

9 11. a. In adopting its housing element, the municipality may
10 provide for its fair share of low and moderate income housing by
11 means of any technique or combination of techniques which provide
12 a realistic opportunity for the provision of the fair share. The housing
13 element shall contain an analysis demonstrating that it will provide
14 such a realistic opportunity, and the municipality shall establish that its
15 land use and other relevant ordinances have been revised to
16 incorporate the provisions for low and moderate income housing. In
17 preparing the housing element, the municipality shall consider the
18 following techniques for providing low and moderate income housing
19 within the municipality, as well as such other techniques as may be
20 published by the council or proposed by the municipality:

21 (1) Rezoning for densities necessary to assure the economic
22 viability of any inclusionary developments, either through mandatory
23 set-asides or density bonuses, as may be necessary to meet all or part
24 of the municipality's fair share;

25 (2) Determination of the total residential zoning necessary to assure
26 that the municipality's fair share is achieved;

27 (3) Determination of measures that the municipality will take to
28 assure that low and moderate income units remain affordable to low
29 and moderate income households for an appropriate period of not less
30 than six years;

31 (4) A plan for infrastructure expansion and rehabilitation if
32 necessary to assure the achievement of the municipality's fair share of
33 low and moderate income housing;

34 (5) Donation or use of municipally owned land or land condemned

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 by the municipality for purposes of providing low and moderate
2 income housing;

3 (6) Tax abatements for purposes of providing low and moderate
4 income housing;

5 (7) Utilization of funds obtained from any State or federal subsidy
6 toward the construction of low and moderate income housing; and

7 (8) Utilization of municipally generated funds toward the
8 construction of low and moderate income housing.

9 b. The municipality may provide for a phasing schedule for the
10 achievement of its fair share of low and moderate income housing
11 which is not inconsistent with section 23 of this act.

12 c. The municipality may propose that a portion of its fair share be
13 met through a regional contribution agreement. The housing element
14 shall demonstrate, however, the manner in which that portion will be
15 provided within the municipality if the regional contribution agreement
16 is not entered into. The municipality shall provide a statement of its
17 reasons for the proposal.

18 d. Nothing in this act shall require a municipality to raise or
19 expend municipal revenues in order to provide low and moderate
20 income housing.

21 e. When a municipality's housing element includes the provision
22 of rental housing units in a community residence for the
23 developmentally disabled, as defined in section 2 of P.L.1977, c.448
24 (C.30:11B-2), which will be affordable to persons of low and
25 moderate income, and for which adequate measures to retain such
26 affordability pursuant to paragraph (3) of subsection a. of this section
27 are included in the housing element, those housing units shall be fully
28 credited as permitted under the rules of the council towards the
29 fulfillment of the municipality's fair share of low and moderate income
30 housing.

31 f. It having been determined by the Legislature that the provision
32 of housing under this act is a public purpose, a municipality or
33 municipalities may utilize public monies to make donations, grants or
34 loans of public funds for the rehabilitation of deficient housing units
35 and the provision of new or substantially rehabilitated housing for low
36 and moderate income persons, providing that any private advantage is
37 incidental.

38 (cf: P.L.1995, c.344, s.2)

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40 2. This act shall take effect immediately.

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45 Permits municipalities to provide certain funds for low and moderate
46 income housing.