

P.L. 1997, CHAPTER 49, *approved March 27, 1997*  
Assembly, No. 2309 (*Third Reprint*)

1 AN ACT concerning affordable housing and amending <sup>3</sup>[<sup>2</sup>and  
2 supplementing<sup>2</sup>]<sup>3</sup> P.L.1995, c.231 <sup>3</sup>[<sup>2</sup>(C.52:27D-310.1 et seq.)<sup>2</sup>]<sup>3</sup>.

3

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

6

7 1. Section 1 of P.L.1995, c.231 (C.52:27D-310.1) is amended to  
8 read as follows:

9 1. When computing a municipal adjustment regarding available  
10 land resources as part of the determination of a municipality's fair  
11 share of affordable housing, the Council on Affordable Housing shall  
12 exclude from designating as vacant land <sup>2</sup>(a) any land that is owned by  
13 a local government entity that <sup>3</sup>as of January 1, 1997, <sup>3</sup> has adopted,  
14 prior to the institution of a lawsuit seeking a builder's remedy or prior  
15 to the filing of a petition for substantive certification of a housing  
16 element and fair share plan, a resolution authorizing an execution of  
17 agreement that the land be utilized for a public purpose other than  
18 housing; (b)<sup>2</sup> any land listed on a master plan of a municipality as  
19 being dedicated, by easement or otherwise, for purposes of  
20 conservation, park lands or open space and which is owned, leased,  
21 licensed, or in any manner operated by a county, municipality or  
22 tax-exempt, nonprofit organization <sup>1</sup>including a local board of  
23 education<sup>1</sup>, or by more than one municipality by joint agreement  
24 pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the  
25 entity maintains such ownership, lease, license, or operational control  
26 of such land<sup>2</sup>; and (c) any vacant contiguous parcels of land in private  
27 ownership of a size which would accommodate fewer than five  
28 housing units if current standards of the council were applied

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AHO committee amendments adopted January 23, 1997.

<sup>2</sup> Assembly floor amendments adopted February 20, 1997.

<sup>3</sup> Assembly amendments adopted in accordance with Governor's recommendations March 20, 1997.

1 pertaining to housing density. No municipality shall be required to  
2 utilize for affordable housing purposes land that is excluded from  
3 being designated as vacant land <sup>2</sup>.

4 (cf: P.L.1995, c.231, s.1)

5

6 <sup>3</sup>[<sup>2</sup>2. (New section) P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)(now pending before the  
7 Legislature as this bill) shall be applied retroactively concerning vacant  
8 land determinations in those matters in which a judicial determination  
9 has not been made or substantive certification has not been granted as  
10 of the effective date of that act. A municipality which has received  
11 substantive certification from the council on or before the effective  
12 date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)(now pending before the Legislature as  
13 this bill) may apply, in its discretion, to the council for a  
14 redetermination of its vacant land inventory in accordance with the  
15 provisions of that act. <sup>2</sup>]<sup>3</sup>

16

17 <sup>2</sup>[<sup>2</sup>.] <sup>3</sup>[ <sup>3</sup>.<sup>2</sup>] <sup>2</sup>.<sup>3</sup> This act shall take effect immediately .

18

19

20

21

22 Changes definition of vacant land for purposes of determining  
23 municipality's fair share of affordable housing.