

CHAPTER 49

AN ACT concerning affordable housing and amending P.L.1995, c.231.

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

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

C.52:27D-310.1 Computing municipal adjustment, exclusions.

1. When computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the Council on Affordable Housing shall exclude from designating as vacant land (a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing; (b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned , leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education , or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land ; and (c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units if current standards of the council were applied pertaining to housing density. No municipality shall be required to utilize for affordable housing purposes land that is excluded from being designated as vacant land .

2. This act shall take effect immediately .

Approved March 27, 1997.