

ASSEMBLY, No. 5228

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:
Assemblywoman HOLLY T. SCHEPISI
District 39 (Bergen and Passaic)

SYNOPSIS

Imposes moratorium on affordable housing litigation through December 31, 2021.

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:

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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, 2021.

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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, 2021.