

ASSEMBLY, No. 2390

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

SYNOPSIS

Requires municipalities in compliance with affordable housing obligations be provided priority consideration for certain State grants and assistance.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** requiring that municipalities in compliance with affordable
2 housing obligations be provided priority consideration for certain
3 grants and assistance, and supplementing chapter 27D of Title 52
4 and chapter 1B of Title 34 of the Revised Statutes.

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

8
9 1. a. Notwithstanding any rule, regulation, or law to the
10 contrary, in awarding grants or other financial assistance through
11 the Main Street New Jersey Program pursuant to P.L.2001, c.238
12 (C.52:27D-452 et seq.), the Neighborhood Preservation Program
13 established pursuant to P.L.1975, c.248 (C.52:27D-142 et seq.), or
14 any other program administered by the Department of Community
15 Affairs through which monies may be provided to a municipality
16 via a competitive process, the Department of Community Affairs
17 shall give priority consideration to municipalities that are in
18 compliance with the municipality's fair share housing obligation
19 pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), as determined by
20 the Department of Community Affairs. The requirements of this
21 section shall not apply to any grant or financial assistance that is
22 intended to assist a municipality in fulfilling the municipality's fair
23 share housing obligation pursuant to P.L.1985, c.222 (C.52:27D-
24 301 et al.).

25 b. For the purposes of this section:

26 (1) For the first five years commencing at the beginning of a
27 new round of affordable housing obligations, the Department of
28 Community Affairs shall consider the following in determining a
29 municipality's compliance with the municipality's fair share
30 housing obligation pursuant to P.L.1985, c.222 (C.52:27D-301 et
31 al.):

32 (a) the use of a builder's remedy during the round of affordable
33 housing obligations immediately preceding the current round;

34 (b) the existence and terms of an affordable housing settlement
35 agreement reached during the round of affordable housing
36 obligations immediately preceding the current round;

37 (c) the percentage of the municipality's affordable housing
38 obligation for the affordable housing obligation round immediately
39 preceding the current round that has been fulfilled;

40 (d) any other factor of the round of affordable housing
41 obligations immediately preceding the current round deemed
42 relevant by the Department of Community Affairs.

43 (2) Commencing five years after the beginning of a new round
44 of affordable housing obligations, the Department of Community
45 Affairs shall make compliance determinations based on the
46 fulfillment of a municipality's affordable housing obligation for the
47 current round of affordable housing obligations.

1 (3) The Department of Community Affairs shall deem and
2 determine municipalities that are exempt from fair share affordable
3 housing obligations to meet the requirements of this section and
4 shall give the municipality priority consideration as otherwise
5 provided for in this section.

6
7 2. Notwithstanding any rule, regulation, or law to the contrary,
8 in awarding grants or other financial assistance through any
9 program through which monies may be provided to a municipality
10 via a competitive process, the New Jersey Economic Development
11 Authority shall give priority consideration to municipalities that are
12 in compliance with the municipality's fair share housing obligation
13 pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), as determined by
14 the Department of Community Affairs pursuant to section 1 of
15 P.L. , c. (C.) (pending before the Legislature as this bill).
16 The requirements of this section shall not apply to any grant or
17 financial assistance that is intended to assist a municipality in
18 fulfilling the municipality's fair share housing obligation pursuant
19 to P.L.1985, c.222 (C.52:27D-301 et al.).

20
21 3. This act shall take effect immediately.

22 23 24 STATEMENT

25
26 This bill requires the Department of Community Affairs (DCA)
27 and the New Jersey Economic Development Authority (EDA) to
28 give priority consideration to municipalities that are in compliance
29 with their affordable housing obligations in awarding grants or
30 other financial assistance through the Main Street New Jersey
31 Program, Neighborhood Preservation Program, or any other
32 program administered by the DCA or the EDA through which
33 monies are provided to a municipality via a competitive process.
34 The bill's provisions would not apply to grants or financial
35 assistance intended to help a municipality fulfill its affordable
36 housing obligation.

37 For the purposes of the bill, the Department of Community
38 Affairs would consider, at a minimum, the following in determining
39 a municipality's compliance in the first five years after a new round
40 of affordable housing obligations begin: prior round builder's
41 remedy lawsuits, prior round fair share settlements, the percentage
42 of fulfilled obligation, and any other factor deemed relevant by the
43 department.