

ASSEMBLY, No. 1874

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblymen McGuckin, DiMaio, Clifton, Rooney, Assemblywoman

B.DeCroce, Assemblymen Space, Bramnick, Wirths and Auth

SYNOPSIS

Prohibits imposition of builder's remedy in exclusionary zoning litigation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/17/2021)

1 of achieving fair share housing, has been contrary to the public
2 interest and public policy goals in that it resulted in the
3 development of extraordinary amounts of market rate housing in
4 densely populated regions while producing comparatively little
5 affordable housing, to the overall detriment of specific communities
6 and the State as a whole. Municipalities have attempted to navigate
7 the rulings of the court for nearly four decades, but have been
8 unable to adequately address the affordable housing needs of the
9 State despite the threat of builder's remedy lawsuits.

10 Under the bill, if a court determines that a municipality has failed
11 to meet its obligation to provide a reasonable opportunity for the
12 development of affordable housing, a court may impose a remedy
13 other than a builder's remedy. For the purposes of the bill,
14 "builder's remedy" means a court imposed remedy for a litigant who
15 is an individual or a profit-making entity in which the court requires
16 a municipality to utilize zoning techniques such as mandatory set-
17 asides or density bonuses which provide for the economic viability
18 of a residential development by including housing which is not for
19 low and moderate income households.