

ASSEMBLY, No. 1907

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 35 (Bergen and Passaic)

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District 38 (Bergen and Passaic)

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Co-Sponsored by:

Assemblyman Zwicker, Assemblywomen Vainieri Huttie, B.DeCroke,

Assemblyman Conaway, Assemblywomen DiMaso, Jasey and Lampitt

SYNOPSIS

Permits municipalities to lease vacant municipal land for tiny home occupancy; directs DCA to enhance regulatory guidance on acceptable tiny home construction and use.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning tiny home occupancy on vacant municipal land,
 2 supplementing P.L.1975, c.291 (C.40:55D-1 et seq.) and
 3 P.L.1975, c.217 (C.52:27D-119 et seq.), and amending P.L.1971,
 4 c.199.

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

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 9 1. (New section) a. The Legislature finds and declares that:
 10 (1) An excess of vacant properties present a persistent problem
 11 in many New Jersey municipalities;
 12 (2) Vacant properties create opportunities for criminal activity,
 13 lower neighborhood property values and local government
 14 revenues, and generally impair the public health and welfare;
 15 (3) In recent years, an increasing awareness has developed over
 16 the large financial and environmental cost of building and
 17 maintaining an average American home;
 18 (4) Many young people, and people of modest means, find
 19 themselves unable to afford to purchase these homes, or even rent
 20 them, as well as pay the large associated utility bills;
 21 (5) Increasingly, many people view residing in a tiny home as a
 22 simple and viable alternative to the traditional house, that provides
 23 the resident more affordable housing, and lowers their
 24 environmental footprint;
 25 (6) Despite the economic and environmental advantages of tiny
 26 home construction and occupancy, many who want to build or
 27 occupy tiny homes have expressed frustration with regulatory
 28 barriers to making tiny home living a reality; and
 29 (7) It is, therefore, in the best interest of the State and a valid
 30 public purpose to permit New Jersey municipalities to lease vacant
 31 lots for use by the owners of tiny homes and to direct the
 32 Commissioner of Community Affairs to publish enhanced
 33 regulatory guidance on the acceptable uses of tiny homes in
 34 residential construction.
 35 b. A municipality may adopt a tiny home rental ordinance to
 36 permit the use of vacant land owned by the municipality for tiny
 37 home rental purposes. A tiny home rental ordinance shall establish:
 38 (1) whether the vacant land may be leased to the owner of a tiny
 39 home solely for their own occupancy, or whether the lessee may
 40 sublease the vacant land; and
 41 (2) the setback, use group, and other zoning limitations that
 42 shall apply to homes built for tiny home rental purposes.
 43 c. As used in P.L. , c. (C.) (pending before the
 44 Legislature as this bill):

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 “Tiny home” means a dwelling that is 400 square feet or less in
2 floor area excluding lofts.

3 “Tiny home rental purposes” means the rental of individual lots,
4 or portions of individual lots, for the placement and occupancy of
5 tiny homes.

6
7 2. (New section) On or before the first day of the seventh
8 month next following the enactment of P.L. , c. (C.)
9 (pending before the Legislature as this bill), the Commissioner of
10 Community Affairs shall promulgate rules and regulations, pursuant
11 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
12 1 et seq.), or publish a regulatory guidance document, pursuant to
13 section 1 of P.L.2011, c.215 (C.52:14B-3a), or both, in order to
14 provide construction code officials, developers, and prospective
15 owners and occupants with enhanced technical assistance on
16 acceptable approaches to constructing and siting tiny homes. The
17 rules and regulations or regulatory guidance document shall
18 include, but not be limited to, the following:

19 a. the permitted approaches to tiny home construction in on-
20 site construction projects governed under the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.);

22 b. the permitted approaches to pre-manufacturing tiny homes,
23 including the construction of industrialized/modular buildings,
24 regulated pursuant to P.L.1991, c.457 (C.32:33-1 et seq.), as tiny
25 homes; and

26 c. the dimensional requirements for various types of rooms and
27 residential structures, such as bedrooms and staircases, and an
28 explanation of any residential uses that may be precluded by the
29 dimensional requirements.

30
31 3. Section 15 of P.L.1971, c.199 (C.40A:12-15) is amended to
32 read as follows:

33 15. Purposes for which leases for a public purpose may be made.

34 A leasehold for a term not in excess of 50 years may be made
35 pursuant to this act and extended for an additional 25 years by
36 ordinance or resolution thereafter for any county or municipal
37 public purpose, including, but not limited to:

38 (a) The provision of fire protection, first aid, rescue and
39 emergency services by an association duly incorporated for such
40 purposes.

41 (b) The provision of health care or services by a nonprofit
42 clinic, hospital, residential home, outpatient center or other similar
43 corporation or association.

44 (c) The housing, recreation, education or health care of veterans
45 of any war of the United States by any nonprofit corporation or
46 association.

47 (d) Mental health or psychiatric services or education for
48 persons with mental illness, persons with a mental deficiency, or

1 persons with intellectual disabilities by any nonprofit corporation or
2 association.

3 (e) Any shelter care or services for persons aged 62 or over
4 receiving Social Security payments, pensions, or disability benefits
5 which constitute a substantial portion of the gross income by any
6 nonprofit corporation or association.

7 (f) Services or care for the education or treatment of cerebral
8 palsy patients by any nonprofit corporation or association.

9 (g) Any civic or historic programs or activities by duly
10 incorporated historical societies.

11 (h) Services, education, training, care or treatment of poor or
12 indigent persons or families by any nonprofit corporation or
13 association.

14 (i) Any activity for the promotion of the health, safety, morals
15 and general welfare of the community of any nonprofit corporation
16 or association.

17 (j) The cultivation or use of vacant lots for gardening or
18 recreational purposes.

19 (k) The provision of electrical transmission service across the
20 lines of a public utility for a county or municipality pursuant to
21 R.S.40:62-12 through R.S.40:62-25.

22 (l) In any municipality, the lease of a tract of land of less than
23 five acres to a nonprofit corporation or association to cultivate and
24 sell fresh fruits and vegetables.

25 (m) The use of vacant land for tiny home rental purposes, in
26 accordance with section 1 of P.L. , c. (C.) (pending before
27 the Legislature as this bill).

28 Except as otherwise provided in subsection (k) of this section, in
29 no event shall any lease under this section be entered into for, with,
30 or on behalf of any commercial, business, trade, manufacturing,
31 wholesaling, retailing, or other profit-making enterprise, nor shall
32 any lease pursuant to this section be entered into with any political,
33 partisan, sectarian, denominational or religious corporation or
34 association, or for any political, partisan, sectarian, denominational
35 or religious purpose, except that a county or municipality may enter
36 into a lease for the use permitted under subsection (j) ¹or (m)¹ with
37 a sectarian, denominational or religious corporation; provided the
38 property is not used for a sectarian, denominational or religious
39 purpose. In the case of a municipality the governing body may
40 designate the municipal manager, business administrator or any
41 other municipal official for the purpose of entering into a lease for
42 the use permitted under subsection (j). Any lease entered into
43 pursuant to subsection (l) with a non-profit corporation or
44 association may permit the non-profit corporation or association to
45 sell fresh fruits and vegetables on the leased land, off the leased
46 land, or both, provided, that the sales are related and incidental to
47 the non-profit purposes of the corporation or association and the net
48 proceeds received by the non-profit corporation or association are

1 used to further the non-profit purposes of the corporation or
 2 association. Property leased pursuant to subsection (l) or (m) of
 3 this section shall be exempt from property taxation.
 4 (cf: P.L.2011, c.171, s.2)

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 6 4. This act shall take effect immediately.

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 9 STATEMENT

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 11 This bill would permit municipalities to lease vacant municipal
 12 land for tiny home occupancy and direct the Department of
 13 Community Affairs to enhance regulatory guidance on acceptable
 14 tiny home construction and use. Consistent with the 2018
 15 International Residential Code, the bill defines “tiny home” as a
 16 dwelling that is 400 square feet or less in floor area excluding lofts.

17 The bill would add the use of vacant land for tiny home rental
 18 purposes to the list of public purposes, under the "Local Lands and
 19 Buildings Law," P.L.1971, c.199 (C.40A:12-1 et seq.), for which
 20 local units may lease public land. Specifically, the bill would
 21 permit a municipality, by ordinance, to lease vacant land owned by
 22 the municipality for the placement and occupancy of tiny homes.
 23 The lessee could be a nonprofit entity, or a sectarian,
 24 denominational or religious entity, so long as the lessee subleases
 25 the land for the placement and occupancy of tiny homes.
 26 Alternatively, the vacant land could be leased directly to the owners
 27 of tiny homes for their own occupancy.

28 Additionally, this bill would direct the Commissioner of
 29 Community Affairs to adopt rules and regulations, or publish a
 30 regulatory guidance document, or both, in order to provide
 31 construction code officials, developers, and prospective owners and
 32 occupants with enhanced technical assistance on acceptable
 33 approaches to constructing and siting tiny homes. The bill directs
 34 the commissioner to make the publication available on or before the
 35 first day of the seventh month next following enactment. The rules
 36 and regulations or regulatory guidance document would have to
 37 include, but not be limited to:

- 38 (1) The permitted approaches to tiny home construction in on-
 39 site construction projects governed under the "State Uniform
 40 Construction Code Act," P.L.1975, c.217 (C.52:27D-
 41 119 et seq.);
 42 (2) The permitted approaches to pre-manufacturing tiny homes;
 43 and
 44 (3) The dimensional requirements for various types of rooms
 45 and residential structures, such as bedrooms and staircases,
 46 and an explanation of any residential uses that may be
 47 precluded by the dimensional requirements.