

ASSEMBLY, No. 4296

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 22, 2020

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman JOHN CATALANO

District 10 (Ocean)

SYNOPSIS

Extends deadline for midpoint status report of municipal fair share affordable housing obligation compliance.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** extending midpoint certification of municipal affordable
2 housing compliance and amending P.L.1985, c.222.

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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. Section 13 of P.L.1985, c.222 (C:52:27D-313) is amended to
8 read as follows:

9 13. a. A municipality which has filed a housing element may, at
10 any time during a two-year period following the filing of the
11 housing element, petition the council for a substantive certification
12 of its element and ordinances or institute an action for declaratory
13 judgment granting it repose in the Superior Court, but in no event
14 shall a grant of substantive certification extend beyond a 10-year
15 period starting on the date the municipality files its housing element
16 with the council. The municipality shall publish notice of its
17 petition in a newspaper of general circulation within the
18 municipality and county and shall make available to the public
19 information on the element and ordinances in accordance with such
20 procedures as the council shall establish. The council shall also
21 establish a procedure for providing public notice of each petition
22 which it receives.

23 b. Notwithstanding the provisions of subsection a. of this
24 section, a municipality which filed a housing element prior to the
25 effective date of P.L.1990, c.121, shall be permitted to petition for
26 substantive certification at any time within two years following that
27 filing, or within one year following the effective date of P.L.1990,
28 c.121, whichever shall result in permitting the municipality the
29 longer period of time within which to petition.

30 **【The Council shall establish procedures for a realistic**
31 **opportunity review at the midpoint of the certification period and**
32 **shall provide for notice to the public】** A municipality that has an
33 obligation to provide a status report in conjunction with a realistic
34 opportunity review by the midpoint of the certification period shall
35 have an additional one year following the midpoint to submit the
36 status report.

37 (cf: 2001, c.435. s.5)

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill would provide municipalities with an additional year to
45 comply with midpoint realistic opportunity reviews, which are

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 required by the “Fair Housing Act,” P.L.1985, c.222 (C:52:27D-301
2 et al.) and by many settlement agreements between municipalities
3 and the Fair Share Housing Center. Midpoint opportunity reviews
4 are required in order to review a municipality’s status in
5 implementing its housing element and fair share plan. Many
6 midpoint realistic opportunity reviews are due for submission by
7 July 1, 2020. The COVID-19 pandemic has not only slowed the
8 economy, but also slowed the operation of municipal government.
9 In response to these circumstances, this bill is intended to provide
10 municipalities with additional time, one year to be exact, to present
11 the status of the implementation of their approved housing elements
12 and fair share plans through the midpoint.