

ASSEMBLY, No. 3197

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

SYNOPSIS

Requires certain local government community benefit agreements dedicate resources for affordable housing purposes.

CURRENT VERSION OF TEXT

As introduced.



A3197 TIMBERLAKE

2

1 AN ACT requiring that certain community benefit agreements by
2 local government units dedicate resources for affordable housing
3 purposes and supplementing Title 40 of the Revised Statutes.

4
5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Notwithstanding any provision of law to the contrary,
9 beginning on the effective date of P.L. , c. (C.) (pending
10 before the Legislature as this bill) the board of county
11 commissioners shall not enter into any community benefits
12 agreement as a result of which the county will receive a cash
13 payment of \$100,000 or more, unless the agreement requires that 50
14 percent or more of the cash payment be dedicated to affordable
15 housing purposes within the county.

16 b. As used in this section:

17 “Affordable housing purposes” means the creation or
18 rehabilitation of low income housing or moderate income housing
19 as those terms are defined in section 4 of P.L.1985, c.222
20 (C52:27D-304; and

21 “Community benefits agreement” means a binding legal
22 agreement between the board of county commissioners and a
23 developer of a commercial or residential project, and may also
24 include other community stakeholders, under which the developer
25 agrees to pay for or provide certain resources to accommodate and
26 benefit local community interests. In exchange, for these
27 community benefits, the board of county commissioners and other
28 community stakeholders agree to approve or provide support for the
29 developer’s project.

30

31 2. a. Notwithstanding any provision of law to the contrary,
32 beginning on the effective date of P.L. , c. (C.) (pending
33 before the Legislature as this bill) the governing body of any
34 municipality shall not enter into any community benefits agreement
35 as a result of which the municipality will receive a cash payment of
36 \$100,000 or more, unless the agreement requires that 50 percent or
37 more of the cash payment be dedicated to affordable housing
38 purposes within the municipality.

39 b. As used in this section:

40 “Affordable housing purposes” means the creation or
41 rehabilitation of low income housing or moderate income housing
42 as those terms are defined in section 4 of P.L.1985, c.222
43 (C52:27D-304; and

44 “Community benefits agreement” means a binding legal
45 agreement between the governing body of a municipality and a

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 developer of a commercial or residential project, and may also
2 include other community stakeholders, under which the developer
3 agrees to pay for or provide certain resources to accommodate and
4 benefit local community interests. In exchange, for these
5 community benefits, the governing body of the municipality and
6 other community stakeholders agree to approve or provide support
7 for the developer's project.

8
9 3. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill would prohibit county and municipal governing bodies
15 from entering into certain "community benefits agreements" for
16 large cash payments, unless the agreement requires that 50 percent
17 or more of that cash payment be dedicated to affordable housing
18 purposes within the local community. Affordable housing purposes
19 under this bill would mean the creation or rehabilitation of low or
20 moderate income housing as those terms are defined by the "Fair
21 Housing Act." The bill defines a community benefit agreement as a
22 binding legal agreement involving the governing body of a
23 municipality or county and a developer of a commercial or
24 residential project under which the developer agrees to pay for or
25 provide certain resources to accommodate and benefit local
26 community interests. In exchange, for these community benefits,
27 the governing body of the local unit and other community
28 stakeholders agree to approve or provide support for the developer's
29 project.

30 Community benefits agreements can be an important and
31 valuable tool for local government units and the communities which
32 these local units serve. These agreements can provide funding for
33 local services and benefits to the community, including, but not
34 limited to, funding and other resources for infrastructure, housing,
35 workforce training, and development. This bill would assure that
36 when a large cash payment is realized by a local government as a
37 result of an agreement, a substantial portion of such a monetary
38 payment is utilized to address affordable housing needs within the
39 community.