

**SENATE, No. 749**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator GORDON M. JOHNSON**

**District 37 (Bergen)**

**SYNOPSIS**

Establishes award of attorney's fees to prevailing party in municipal services dispute.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning enforcement of requirement to provide  
2 municipal services and supplementing P.L.1989, c.299 (C.40:67-  
3 23.2 et seq.).  
4

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

8 1. a. In an action brought in the Superior Court for a violation  
9 of the provisions of P.L.1989, c.299 (40:67-23.2 et seq.), the court,  
10 in its discretion, may award attorney's fees to the prevailing party.  
11 If the prevailing party is a qualified private community, the court, in  
12 its discretion, may impose civil penalties against a municipality of  
13 not less than \$2,500 or more than \$10,000 for each violation of  
14 P.L.1989, c.299 (40:67-23.2 et seq.). If the parties settle the action,  
15 neither shall be deemed the prevailing party for the purposes of this  
16 section.

17 b. A qualified private community or municipality seeking an  
18 award under this section shall make application to the court which  
19 heard the matter. The application shall be supported by an affidavit  
20 stating in detail:

21 (1) The nature of the legal services rendered, the responsibility  
22 assumed, the results obtained, the amount of time spent by the  
23 attorney, any particular novelty or difficulty, the time spent and  
24 services rendered by secretaries and staff, other factors pertinent in  
25 the evaluation of the services rendered, the amount of the allowance  
26 applied for, an itemization of the disbursements for which  
27 reimbursement is sought, and any other factors relevant in  
28 evaluating fees and costs; and

29 (2) How much has been paid to the attorney and what provision,  
30 if any, has been made for the payment of these fees in the future.  
31

32 2. This act shall take effect immediately.  
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35 STATEMENT  
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37 This bill would establish that attorney's fees may be awarded to  
38 the prevailing party in a legal dispute involving the failure of a  
39 municipality to provide services, or to pay in lieu of providing  
40 services, to qualified private communities under current law. This  
41 bill would serve as incentive to settle these costly disputes prior to  
42 litigation, and would protect both qualified private communities and  
43 municipalities against potentially unnecessary legal conflict.