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RWH/CL

P.L. 2020, CHAPTER 51, *approved July 1, 2020*
Senate, No. 2527 (*First Reprint*)

1 AN ACT concerning online marketing of affordable housing units
2 and supplementing P.L.1985, c.222 (C.52:27D-301 et al.).
3

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

7 1. The Legislature finds and declares that:

8 a. In recent years, housing costs in New Jersey have increased
9 dramatically at rates that have outpaced rises in income, making the
10 State the sixth most expensive in the United States and growing the
11 number of renters and homeowners that are housing cost-burdened,
12 spending a disproportionate percentage of their income on high rent
13 or mortgage payments;

14 b. To address the Statewide shortage in affordable housing,
15 tens of thousands of affordable housing units have been and will be
16 made available to very low-, low-, and moderate-income families,
17 the elderly, and persons with disabilities in New Jersey through a
18 wide variety of federal and State programs, including those
19 implemented under the "Fair Housing Act," P.L.1985, c.222
20 (C.52:27D-301 et al.);

21 c. Current rules designed to implement the "Fair Housing Act"
22 require that the developer or administrative agent of the affordable
23 units affirmatively market their units through newspaper and radio
24 or television, but digital marketing is not explicitly required;

25 d. Due to the fragmentation of information consumption and
26 the advent of housing search websites, an increasing number of
27 residents are conducting their housing searches online;

28 e. The manner in which residents are searching for affordable
29 housing and the existing rules for affirmatively marketing
30 affordable units are no longer compatible due to changes in
31 technology and, therefore, necessitate an update to facilitate more
32 effective, streamlined, and fair searches of affordable housing for
33 very low-, low-, and moderate-income residents of New Jersey in
34 the furtherance of the "Fair Housing Act";

35 f. An infrastructure for hosting the increased postings already
36 exists as the New Jersey Housing Resource Center, an affordable
37 housing listing portal overseen by the New Jersey Housing and
38 Mortgage Finance Agency; and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 15, 2020.

1 g. It is, therefore, in the interest of the residents of the State,
2 and necessary for ensuring that the State's municipalities are
3 compliant with their constitutional responsibility to affirmatively
4 afford a reasonable opportunity for low- and moderate-income
5 families to reside in their boundaries, that the agency, developers,
6 and municipalities comply with P.L. , c. (C.) (pending
7 before the Legislature as this bill).

8
9 2. As used in P.L. , c. (C.) (pending before the
10 Legislature as this bill):

11 "Affirmative marketing plan" means a regional marketing
12 strategy designed to attract buyers, renters, or both to housing units
13 which are being marketed by a developer or sponsor of affordable
14 housing. An affirmative marketing plan shall target eligible persons
15 who are least likely to apply for affordable units in the region.

16 "Agency" means the Housing and Mortgage Finance Agency
17 established pursuant to section 4 of the "New Jersey Housing and
18 Mortgage Finance Agency Law of 1983," P.L.1983, c.530
19 (C.55:14K-4).

20 "Development" means any residential development in which
21 housing for very low-, low-, or moderate-income households is
22 required, including developments receiving credit in a municipal
23 housing element and fair share plan or otherwise approved by the
24 council or court, or in which such housing is required via land use
25 approvals from any municipal land use board.

26
27 3. The agency shall administer the Housing Resource Center,
28 or a designated successor, as an online portal for income-restricted
29 housing listings and searches.

30
31 4. a. (1) The owner, developer, property manager, or other
32 administrative entity required to implement the affirmative
33 marketing plan of a newly constructed development where
34 affordable housing units will be leased or sold for the first time
35 shall be required to post a listing on the Housing Resource Center
36 of the available affordable housing units, on or before the earlier of:
37 (1) at least 60 days prior to conducting a lottery of the applicants; or
38 (2) within one day following when the owner, developer, property
39 manager, or other administrative entity provides any information
40 regarding how to apply for units to prospective applicants or solicits
41 any applications from potential applicants through any other means.
42 The posting shall include, at a minimum, the date that the
43 affordable housing units are expected to be completed, the date of
44 the lottery, the number of affordable housing units, an accounting of
45 how many of the affordable housing units will be available to very
46 low-, low-, and moderate-income households, and each bedroom
47 size that will be available.

1 (2) A lottery shall not take place less than 60 days following
2 posting on the Housing Resource Center. Any posting on the
3 Housing Resource Center shall provide a link to an online fillable
4 form or Portable Document Format (PDF) form of the application
5 for the affordable housing units on the website of the owner,
6 developer, property manager, or other administrative entity and
7 information on how to request a paper copy of the application from
8 the owner, developer, property manager, or other administrative
9 entity.

10 b. The owner, developer, property manager, or other
11 administrative entity required to implement the affirmative
12 marketing plan of an existing development where one or more
13 affordable housing units becomes available shall post vacancies and
14 waitlist openings for any such unit on the Housing Resource Center
15 and the requirements set forth in the affirmative marketing plan of
16 the municipality where the development is located. The posting
17 shall be made within one day of accepting applications and shall
18 include, at a minimum, the expected date that the affordable
19 housing units will become available, the number of affordable
20 housing units, an accounting of how many of the affordable housing
21 units will be available to very low-, low-, and moderate-income
22 households, and each bedroom size that will be available.

23 c. (1) From time to time the owner, developer, property
24 manager, or administrative entity required to implement the
25 affirmative marketing plan of an existing development may elect to
26 conduct a new lottery to generate or expand the pool of applicants,
27 provided that applicants already on a waitlist for a particular unit
28 type are not displaced from their place in the queue in the lottery. In
29 such cases, the owner, developer, property manager, or other
30 administrative entity shall be required to post a listing on the
31 Housing Resource Center website at least 60 days prior to
32 conducting the lottery of the applicants, or within one day of when
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34 entity provides any information regarding how to apply for the
35 lottery to prospective applicants or solicits any applications from
36 potential applicants through any other means, whichever is earlier.

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43 information on how to request a paper copy of the application from
44 the owner, developer, property manager, or other administrative
45 entity.

1 d. The owner, developer, property manager, or other
2 administrative entity shall submit evidence of the listing of their
3 available units and waitlist openings, as required by this section, to
4 the administrative agent for the municipality.

5 e. (1) The administrative agent for the municipality and the
6 municipal housing liaison shall ensure compliance with the
7 provisions of this section.

8 (2) The administrative agent for the municipality and the
9 municipal housing liaison shall have the authority to levy fines
10 against the owner of the development for instances of
11 noncompliance, following written notice to the owner. The fine for
12 the first offense of noncompliance shall be \$5,000, the fine for the
13 second offense of noncompliance shall be \$10,000, and the fine for
14 each subsequent offense of noncompliance shall be \$15,000.

15 (3) The Executive Director of the agency may adjust the fine
16 schedule, but shall not adjust the fine schedule until at least 60
17 months after the effective date of P.L. , c. (C.) (pending before
18 the Legislature as this bill).

19 (4) All revenue generated from the fines levied pursuant to this
20 section shall be deposited into the municipality's affordable housing
21 trust fund.

22 (5) A fine shall not be issued pursuant to this subsection unless
23 the administrative agent for the municipality or the municipal
24 housing liaison first provides the owner with written notice no less
25 than two months prior to the date the fine is levied. A fine shall
26 only be issued if the offense has not been cured within that two-
27 month timeframe. Issuance of a written notice or a fine shall not
28 provide exemption to the requirement of conducting a lottery no
29 less than 60 days following posting on the Housing Resource
30 Center.

31 (6) The administrative agent and the municipal housing liaison
32 shall have the authority to require the owner, developer, property
33 manager, or administrative entity to conduct a new lottery if the
34 provisions of this section are not implemented properly.

35 f. If a municipality fails to comply with the provisions of this
36 section, then the municipality shall be considered non-compliant
37 with the affirmative marketing plan requirements, except in cases in
38 which the municipality takes appropriate corrective action pursuant
39 to this section that such corrective action shall be construed as
40 remaining in compliance.

41 ¹g. With respect to the affirmative advertising required through
42 newspaper and radio or television, or other affirmative marketing
43 provisions currently required, such advertising shall not be
44 eliminated under the provisions of P.L. , c. (C.) (pending
45 before the Legislature as this bill), and shall continue as required,

1 including the provisions of the Uniform Housing Affordability
2 Controls promulgated by the New Jersey Housing and Mortgage
3 Finance Agency.¹
4

5 5. This act shall take effect on the first day of the fourth month
6 next following the date of enactment.
7

8

9

10

11 _____
Concerns online marketing of affordable housing units.

SENATE, No. 2527

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 4, 2020

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Concerns online marketing of affordable housing units.

CURRENT VERSION OF TEXT

As introduced.



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37 size that will be available.

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44 information on how to request a paper copy of the application from
45 the owner, developer, property manager, or other administrative
46 entity.

47 b. The owner, developer, property manager, or other
48 administrative entity required to implement the affirmative

1 marketing plan of an existing development where one or more
2 affordable housing units becomes available shall post vacancies and
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4 and the requirements set forth in the affirmative marketing plan of
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13 manager, or administrative entity required to implement the
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35 d. The owner, developer, property manager, or other
36 administrative entity shall submit evidence of the listing of their
37 available units and waitlist openings, as required by this section, to
38 the administrative agent for the municipality.

39 e. (1) The administrative agent for the municipality and the
40 municipal housing liaison shall ensure compliance with the
41 provisions of this section.

42 (2) The administrative agent for the municipality and the
43 municipal housing liaison shall have the authority to levy fines
44 against the owner of the development for instances of
45 noncompliance, following written notice to the owner. The fine for
46 the first offense of noncompliance shall be \$5,000, the fine for the
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48 each subsequent offense of noncompliance shall be \$15,000.

1 (3) The Executive Director of the agency may adjust the fine
2 schedule, but shall not adjust the fine schedule until at least 60
3 months after the effective date of P.L. , c. (C.) (pending
4 before the Legislature as this bill).

5 (4) All revenue generated from the fines levied pursuant to this
6 section shall be deposited into the municipality's affordable housing
7 trust fund.

8 (5) A fine shall not be issued pursuant to this subsection unless
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11 than two months prior to the date the fine is levied. A fine shall
12 only be issued if the offense has not been cured within that two-
13 month timeframe. Issuance of a written notice or a fine shall not
14 provide exemption to the requirement of conducting a lottery no
15 less than 60 days following posting on the Housing Resource
16 Center.

17 (6) The administrative agent and the municipal housing liaison
18 shall have the authority to require the owner, developer, property
19 manager, or administrative entity to conduct a new lottery if the
20 provisions of this section are not implemented properly.

21 f. If a municipality fails to comply with the provisions of this
22 section, then the municipality shall be considered non-compliant
23 with the affirmative marketing plan requirements, except in cases in
24 which the municipality takes appropriate corrective action pursuant
25 to this section that such corrective action shall be construed as
26 remaining in compliance.

27
28 5. This act shall take effect on the first day of the fourth month
29 next following the date of enactment.

30
31

32 STATEMENT

33

34 Current rules designed to implement the "Fair Housing Act,"
35 P.L.1985, c.222 (C.52:27D-301 et al.) require that the developer or
36 administrative agent of the affordable units affirmatively market
37 their units through newspaper and radio or television, but digital
38 marketing is not explicitly required.

39 Due to the fragmentation of information consumption and the
40 advent of housing search websites, an increasing number of
41 residents are conducting their housing searches online.

42 An infrastructure for hosting the increased postings already
43 exists as the New Jersey Housing Resource Center, an online
44 affordable housing listing portal overseen by the New Jersey
45 Housing and Mortgage Finance Agency.

46 Under this bill, the owner, developer, property manager, or other
47 administrative entity required to implement the affirmative
48 marketing plan of a newly constructed development where

1 affordable housing units will be leased or sold for the first time is
2 required to post a listing on the Housing Resource Center. All
3 municipalities seeking substantive certification or a judgment of
4 repose of their Housing Element and Fair Share Plan are required to
5 adopt an affirmative marketing plan and to require conformance to
6 that plan from any developer constructing affordable housing within
7 the municipality.

8 The owner, developer, property manager, or other administrative
9 entity required to implement the affirmative marketing plan of an
10 existing development where one or more affordable housing units
11 becomes available is required to post vacancies and waitlist
12 openings for any such unit on the Housing Resource Center. From
13 time to time, a new lottery may be conducted to generate or expand
14 the pool of applicants, provided that applicants already on a waitlist
15 for a particular unit type are not displaced from their place in the
16 queue in the lottery.

17 A lottery would not take place less than 60 days following
18 posting on the Housing Resource Center. Any posting on the
19 Housing Resource Center would provide a link to an online fillable
20 form or Portable Document Format (PDF) form of the application
21 for the affordable housing units on the website of the owner,
22 developer, property manager, or other administrative entity and
23 information on how to request a paper copy of the application from
24 the owner, developer, property manager, or other administrative
25 entity.

26 The owner, developer, property manager, or other administrative
27 entity is required to submit evidence of the listing of their available
28 units and waitlist openings to the administrative agent for the
29 municipality.

30 Under the bill, the administrative agent for the municipality and
31 the municipal housing liaison would have the authority to levy fines
32 against the owner of the development for instances of
33 noncompliance. The fine for the first offense of noncompliance
34 would be \$5,000, the fine for the second offense would be \$10,000,
35 and the fine for each subsequent offense would be \$15,000. The
36 Executive Director of the New Jersey Housing and Mortgage
37 Finance Agency would have the authority to adjust the fine
38 schedule, but may not adjust the fine schedule until 60 months after
39 the effective date of the bill. Issuance of a written notice or a fine
40 would not provide exemption to the requirement of conducting a
41 lottery no less than 60 days following posting on the Housing
42 Resource Center.

43 The bill requires the administrative agent for the municipality to
44 ensure that the provisions of the bill are properly implemented. If a
45 municipality fails to comply with those provisions, then the
46 municipality shall be considered non-compliant with the affirmative
47 marketing plan requirements, except in cases in which the
48 municipality takes appropriate corrective action.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2527

STATE OF NEW JERSEY

DATED: JUNE 11, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2527.

Current rules designed to implement the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) require that the developer or administrative agent of the affordable units affirmatively market their units through newspaper and radio or television, but digital marketing is not explicitly required.

Due to the fragmentation of information consumption and the advent of housing search websites, an increasing number of residents are conducting their housing searches online.

An infrastructure for hosting the increased postings already exists as the New Jersey Housing Resource Center, an online affordable housing listing portal overseen by the New Jersey Housing and Mortgage Finance Agency.

Under this bill, the owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of a newly constructed development where affordable housing units will be leased or sold for the first time is required to post a listing on the Housing Resource Center. All municipalities seeking substantive certification or a judgment of repose of their Housing Element and Fair Share Plan are required to adopt an affirmative marketing plan and to require conformance to that plan from any developer constructing affordable housing within the municipality.

The owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of an existing development where one or more affordable housing units becomes available is required to post vacancies and waitlist openings for any such unit on the Housing Resource Center. From time to time, a new lottery may be conducted to generate or expand the pool of applicants, provided that applicants already on a waitlist for a particular unit type are not displaced from their place in the queue in the lottery.

A lottery would not take place less than 60 days following posting on the Housing Resource Center. Any posting on the Housing Resource Center would provide a link to an online fillable form or Portable Document Format (PDF) form of the application for the affordable housing units on the website of the owner, developer, property manager, or other administrative entity and information on

how to request a paper copy of the application from the owner, developer, property manager, or other administrative entity.

The owner, developer, property manager, or other administrative entity is required to submit evidence of the listing of their available units and waitlist openings to the administrative agent for the municipality.

Under the bill, the administrative agent for the municipality and the municipal housing liaison would have the authority to levy fines against the owner of the development for instances of noncompliance. The fine for the first offense of noncompliance would be \$5,000, the fine for the second offense would be \$10,000, and the fine for each subsequent offense would be \$15,000. The Executive Director of the New Jersey Housing and Mortgage Finance Agency would have the authority to adjust the fine schedule, but may not adjust the fine schedule until 60 months after the effective date of the bill. Issuance of a written notice or a fine would not provide exemption to the requirement of conducting a lottery no less than 60 days following posting on the Housing Resource Center.

The bill requires the administrative agent for the municipality to ensure that the provisions of the bill are properly implemented. If a municipality fails to comply with those provisions, then the municipality shall be considered non-compliant with the affirmative marketing plan requirements, except in cases in which the municipality takes appropriate corrective action.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

STATEMENT TO

SENATE, No. 2527

with Senate Floor Amendments
(Proposed by Senator SWEENEY)

ADOPTED: JUNE 15, 2020

This Senate amendment clarifies that, with respect to the affirmative advertising required through newspaper and radio or television, or other affirmative marketing provisions currently required, such advertising would not be eliminated under the provisions this bill, and would continue as required, including the provisions of the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, such as N.J.A.C.5:80-26.15.

ASSEMBLY, No. 2636

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

SYNOPSIS

Concerns online marketing of affordable housing units.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

A2636 JASEY, WIMBERLY

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21 4. a. The owner, developer, property manager, or other
22 administrative entity required to implement the affirmative
23 marketing plan of a newly constructed development where
24 affordable housing units will be leased or sold for the first time
25 shall be required to post a listing on the Housing Resource Center
26 of the available affordable housing units, on or before the earlier of:
27 (1) at least 60 days prior to conducting a lottery of the applicants; or
28 (2) within one day following when the owner, developer, property
29 manager, or other administrative entity provides any information
30 regarding how to apply for units to prospective applicants or solicits
31 any applications from potential applicants through any other means.
32 The posting shall include, at a minimum, the date that the
33 affordable housing units are expected to be completed, the date of
34 the lottery, the number of affordable housing units, an accounting of
35 how many of the affordable housing units will be available to very
36 low-, low-, and moderate-income households, and each bedroom
37 size that will be available.

38 b. The owner, developer, property manager, or other
39 administrative entity required to implement the affirmative
40 marketing plan of an existing development where one or more
41 affordable housing units becomes available shall post vacancies and
42 waitlist openings for any such unit on the Housing Resource Center
43 and the requirements set forth in the affirmative marketing plan of
44 the municipality where the development is located. The posting
45 shall be made within one day of accepting applications and shall
46 include, at a minimum, the expected date that the affordable
47 housing units will become available, the number of affordable
48 housing units, an accounting of how many of the affordable housing

1 units will be available to very low-, low-, and moderate-income
2 households, and each bedroom size that will be available.

3 c. From time to time the owner, developer, property manager,
4 or administrative entity required to implement the affirmative
5 marketing plan of an existing development may elect to conduct a
6 new lottery to generate or expand the pool of applicants, provided
7 that applicants already on a waitlist for a particular unit type are not
8 displaced from their place in the queue in the lottery. In such cases,
9 the owner, developer, property manager, or other administrative
10 entity shall be required to post a listing on the Housing Resource
11 Center website at least 60 days prior to conducting the lottery of the
12 applicants, or within one day of when the owner, developer,
13 property manager, or other administrative entity provides any
14 information regarding how to apply for the lottery to prospective
15 applicants or solicits any applications from potential applicants
16 through any other means, whichever is earlier.

17 d. The owner, developer, property manager, or other
18 administrative entity shall submit evidence of the listing of their
19 available units and waitlist openings, as required by this section, to
20 the administrative agent for the municipality.

21 e. The administrative agent for the municipality shall ensure
22 compliance with the provisions of this section. The administrative
23 agent shall have the authority to require the owner, developer,
24 property manager, or administrative entity to conduct a new lottery
25 if the provisions of this section are not implemented properly.

26 f. If a municipality fails to comply with the provisions of this
27 section, then the municipality shall be considered non-compliant
28 with the affirmative marketing plan requirements, except in cases in
29 which the municipality takes appropriate corrective action pursuant
30 to this section that such corrective action shall be construed as
31 remaining in compliance.

32

33 5. This act shall take effect on the first day of the fourth month
34 next following the date of enactment.

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36

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STATEMENT

38

39 Current rules designed to implement the "Fair Housing Act,"
40 P.L.1985, c.222 (C.52:27D-301 et al.) require that the developer or
41 administrative agent of the affordable units affirmatively market
42 their units through newspaper and radio or television, but digital
43 marketing is not explicitly required.

44 Due to the fragmentation of information consumption and the
45 advent of housing search websites, an increasing number of
46 residents are conducting their housing searches online.

47 An infrastructure for hosting the increased postings already
48 exists as the New Jersey Housing Resource Center, an online

1 affordable housing listing portal overseen by the New Jersey
2 Housing and Mortgage Finance Agency.

3 Under the bill, the owner, developer, property manager, or other
4 administrative entity required to implement the affirmative
5 marketing plan of a newly constructed development where
6 affordable housing units will be leased or sold for the first time is
7 required to post a listing on the Housing Resource Center. All
8 municipalities seeking substantive certification or a judgment of
9 repose of their Housing Element and Fair Share Plan are required to
10 adopt an affirmative marketing plan and to require conformance to
11 that plan from any developer constructing affordable housing within
12 the municipality.

13 The owner, developer, property manager, or other administrative
14 entity required to implement the affirmative marketing plan of an
15 existing development where one or more affordable housing units
16 becomes available is required to post vacancies and waitlist
17 openings for any such unit on the Housing Resource Center. From
18 time to time, a new lottery may be conducted to generate or expand
19 the pool of applicants, provided that applicants already on a waitlist
20 for a particular unit type are not displaced from their place in the
21 queue in the lottery.

22 The owner, developer, property manager, or other administrative
23 entity is required to submit evidence of the listing of their available
24 units and waitlist openings to the administrative agent for the
25 municipality.

26 The bill requires the administrative agent for the municipality to
27 ensure that the provisions of the bill are properly implemented. If a
28 municipality fails to comply with those provisions, then the
29 municipality shall be considered non-compliant with the affirmative
30 marketing plan requirements, except in cases in which the
31 municipality takes appropriate corrective action.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2636

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2020

The Assembly Housing Committee reports favorably Assembly Bill No. 2636, with committee amendments.

Current rules designed to implement the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) require that the developer or administrative agent of the affordable units affirmatively market their units through newspaper and radio or television, but digital marketing is not explicitly required.

Due to the fragmentation of information consumption and the advent of housing search websites, an increasing number of residents are conducting their housing searches online.

An infrastructure for hosting the increased postings already exists as the New Jersey Housing Resource Center, an online affordable housing listing portal overseen by the New Jersey Housing and Mortgage Finance Agency.

As amended, under this bill, the owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of a newly constructed development where affordable housing units will be leased or sold for the first time is required to post a listing on the Housing Resource Center. All municipalities seeking substantive certification or a judgment of repose of their Housing Element and Fair Share Plan are required to adopt an affirmative marketing plan and to require conformance to that plan from any developer constructing affordable housing within the municipality.

The owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of an existing development where one or more affordable housing units becomes available is required to post vacancies and waitlist openings for any such unit on the Housing Resource Center. From time to time, a new lottery may be conducted to generate or expand the pool of applicants, provided that applicants already on a waitlist for a particular unit type are not displaced from their place in the queue in the lottery.

The owner, developer, property manager, or other administrative entity is required to submit evidence of the listing of their available

units and waitlist openings to the administrative agent for the municipality.

Under the bill, the administrative agent for the municipality and the municipal housing liaison would have the authority to levy fines against the owner of the development for instances of noncompliance. The fine for the first offense of noncompliance would be \$5,000, the fine for the second offense would be \$10,000, and the fine for each subsequent offense would be \$15,000. The Executive Director of the New Jersey Housing and Mortgage Finance Agency would have the authority to adjust the fine schedule, but may not adjust the fine schedule until sixty months after the effective date of the bill.

The bill requires the administrative agent for the municipality to ensure that the provisions of the bill are properly implemented. If a municipality fails to comply with those provisions, then the municipality shall be considered non-compliant with the affirmative marketing plan requirements, except in cases in which the municipality takes appropriate corrective action.

COMMITTEE AMENDMENTS

The committee amendments accomplish the following:

- provide the administrative agent for the municipality and the municipal housing liaison with the authority to levy fines against the owner of a development for instances of noncompliance with the affirmative marketing requirements of the bill;
- Establish the amount of the fine for the first, second, and each subsequent instance of noncompliance;
- Prohibit a fine from being issued unless the owner is provided with written notice and an opportunity to cure no less than two months prior to the date the fine is levied; and
- Authorize the Executive Director of the New Jersey Housing and Mortgage Finance Agency to adjust the fine schedule beginning sixty months after the effective date of the bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2636

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2020

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 2636 (1R).

Current rules designed to implement the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) require that the developer or administrative agent of the affordable units affirmatively market their units through newspaper and radio or television, but digital marketing is not explicitly required.

Due to the fragmentation of information consumption and the advent of housing search websites, an increasing number of residents are conducting their housing searches online.

An infrastructure for hosting the increased postings already exists as the New Jersey Housing Resource Center, an online affordable housing listing portal overseen by the New Jersey Housing and Mortgage Finance Agency.

Under this bill, as amended, the owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of a newly constructed development where affordable housing units will be leased or sold for the first time is required to post a listing on the Housing Resource Center. All municipalities seeking substantive certification or a judgment of repose of their Housing Element and Fair Share Plan are required to adopt an affirmative marketing plan and to require conformance to that plan from any developer constructing affordable housing within the municipality.

The owner, developer, property manager, or other administrative entity required to implement the affirmative marketing plan of an existing development where one or more affordable housing units becomes available is required to post vacancies and waitlist openings for any such unit on the Housing Resource Center. From time to time, a new lottery may be conducted to generate or expand the pool of applicants, provided that applicants already on a waitlist for a particular unit type are not displaced from their place in the queue in the lottery.

A lottery would not take place less than 60 days following posting on the Housing Resource Center. Any posting on the Housing Resource Center would provide a link to an online fillable form or Portable Document Format (PDF) form of the application for the affordable housing units on the website of the owner, developer, property manager, or other administrative entity and information on how to request a paper copy of the application from the owner, developer, property manager, or other administrative entity.

The owner, developer, property manager, or other administrative entity is required to submit evidence of the listing of their available units and waitlist openings to the administrative agent for the municipality.

Under the bill, the administrative agent for the municipality and the municipal housing liaison would have the authority to levy fines against the owner of the development for instances of noncompliance. The fine for the first offense of noncompliance would be \$5,000, the fine for the second offense would be \$10,000, and the fine for each subsequent offense would be \$15,000. The Executive Director of the New Jersey Housing and Mortgage Finance Agency would have the authority to adjust the fine schedule, but may not adjust the fine schedule until 60 months after the effective date of the bill. Issuance of a written notice or a fine would not provide exemption to the requirement of conducting a lottery no less than 60 days following posting on the Housing Resource Center.

The bill requires the administrative agent for the municipality to ensure that the provisions of the bill are properly implemented. If a municipality fails to comply with those provisions, then the municipality shall be considered non-compliant with the affirmative marketing plan requirements, except in cases in which the municipality takes appropriate corrective action.

With respect to the affirmative advertising required through newspaper and radio or television, or other affirmative marketing provisions currently required, such advertising would not be eliminated under the provisions this bill, and would continue as required, including the provisions of the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency.

COMMITTEE AMENDMENTS:

The committee amendments:

- Provide the administrative agent for the municipality and the municipal housing liaison with the authority to levy fines against the owner of a development for instances of noncompliance with the affirmative marketing requirements of the bill;
- Establish the amount of the fine for the first, second, and each subsequent instance of noncompliance;

- Prohibit a fine from being issued unless the owner is provided with written notice and an opportunity to cure no less than two months prior to the date the fine is levied;
- Authorize the Executive Director of the New Jersey Housing and Mortgage Finance Agency to adjust the fine schedule beginning sixty months after the effective date of the bill;
- Clarify that a lottery would not take place less than 60 days following posting on the Housing Resource Center, and any posting on the Housing Resource Center would be required to provide a link to an online fillable form or Portable Document Format (PDF) form of the application for the affordable housing units on the website of the owner, developer, property manager, or other administrative entity and information on how to request a paper copy of the application from the owner, developer, property manager, or other administrative entity; and
- Clarify that, with respect to the affirmative advertising required through newspaper and radio or television, or other affirmative marketing provisions currently required, such advertising would not be eliminated under the provisions this bill, and would continue as required, including the provisions of the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, such as N.J.A.C.5:80-26.15.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Takes Action on Legislation

07/1/2020

TRENTON - Today, Governor Murphy signed the following bills into law:

A-3919/S-2346 w/GR (Calabrese, Spearman, Murphy/Sarlo, Sweeney, Singleton, Bucco) Extends certain permits, approvals, and deadlines during COVID-19 emergency

A-3919/S-2346 w/GR (Calabrese, Spearman, Murphy/Sarlo, Sweeney, Singleton, Bucco) Extends certain permits, approvals, and deadlines during COVID-19 emergency

S-2498/A-4298 (Greenstein, Codey/Moen, Carter, Lopez) Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2021

S-2499/A-4299 (Smith, Bateman/Meija, McKnight, McKeon) Appropriates funds to DEP for environmental infrastructure projects for FY2021

A-4227/S-2558 (Coughlin, Quijano, Wimberly/Diegnan) Ensures insurance coverage for certain persons attending school graduation exercises in July and August of 2020

A-4037/S-2433 (Houghtaling, Downey/Gopal) Requires electronic signature and submission process for all candidate, recall, initiative, and referendum petitions for remaining 2020 elections and thereafter during COVID-19 emergency

S-2355/A-3963 (Gopal, Bateman/Mukherji, Benson, DeAngelo) Delays mandatory retirement in SPRS when it would occur during period of state of emergency; extends eligibility for appointment as member of State Police and enrollment in SPRS for 160th Class of NJ State Police

A-3945/S-2430 (Murphy, Chaparro, Mukherji/Greenstein, Diegnan) Extends eligibility for accidental disability and accidental death benefits to certain PFRS, SPRS and PERS members who contract COVID-19 and test positive for SARS-CoV-2

S-2467/A-4215 (Pou, Addiego/Lopez, Pinkin, Freiman) Extends duration of certain laws pertaining to use of telemedicine and telehealth in relation to COVID-19 pandemic

S-2527/A-2636 (Sweeney/Jasey, Wimberly, Chaparro) Concerns online marketing of affordable housing units

rese, Spearman, Murphy/Sarlo, Sweeney, Singleton, Bucco) Extends certain permits, approvals, and deadlines during COVID-19 emergency

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S-2527/A-2636 (Sweeney/Jasey, Wimberly, Chaparro) Concerns online marketing of affordable housing units