

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 52:27D-313

("Fair Housing Act"--allow municipalities to petition COAH for certification)

LAWS OF: 1990

CHAPTER: 121

Bill No: S2145

Sponsor(s): Lipman

Date Introduced: Pre-filed

Committee: Assembly: Housing

Senate: State Government

Amended during passage: Yes

Date of Passage: Assembly: October 18, 1990

Senate: June 11, 1990

Date of Approval: November 30, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

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1 AN ACT to amend the "Fair Housing Act," approved July 2, 1985
2 (P.L.1985, c.222).

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

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

8 13. a. A municipality which has filed a housing element may,
9 at any time during a [six] two year period following the filing of
10 the housing element, petition the Council for a substantive
11 certification of its element and ordinances or institute an action
12 for declaratory judgment granting it six-year repose in the
13 Superior Court. The municipality shall publish notice of its
14 petition in a newspaper of general circulation within the
15 municipality and county and shall make available to the public
16 information on the element and ordinances in accordance with
17 such procedures as the Council shall establish. The Council shall
18 also establish a procedure for providing public notice of each
19 petition which it receives.

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

28 (cf: P.L.1985, c.222, s.13)

29 2. This act shall take effect immediately.

30

31

32 STATE GOVERNMENT

33

34 Requires municipalities to petition COAH for certification of
35 housing element within two years of filing.

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.

SENATE, No. 2145
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LIPMAN

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3
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5 State of New Jersey:

6 1. Section 13 of P.L.1985, c.222 (C.52:27D-313) is amended to
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9 at any time during a [six] two year period following the filing of
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11 certification of its element and ordinances or institute an action
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13 Superior Court. The municipality shall publish notice of its
14 petition in a newspaper of general circulation within the
15 municipality and county and shall make available to the public
16 information on the element and ordinances in accordance with
17 such procedures as the Council shall establish. The Council shall
18 also establish a procedure for providing public notice of each
19 petition which it receives.

20 b. Notwithstanding the provisions of subsection a. of this
21 section, a municipality which filed a housing element prior to the
22 effective date of this 1989 amendatory act, shall be permitted to
23 petition for substantive certification at any time within two
24 years following that filing, or within one year following the
25 effective date of this 1989 amendatory act, whichever shall
26 result in permitting the municipality the longer period of time
27 within which to petition.

28 (cf: P.L.1985, c.222, s.13)

29 2. This act shall take effect immediately.
30
31

32 STATEMENT
33

34 This bill amends the "Fair Housing Act," P.L.1985, c.222
35 (C.52:27D-313 et al.) to require municipalities to petition the
36 Council on Affordable Housing for substantive certification of
37 their housing elements within two years after the filing of the
38 housing element with the Council.

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.

S2145

2

1 Municipalities which filed housing elements prior to the
2 effective date would have two years from the filing, or one year
3 from the effective date, whichever is longer, within which to
4 petition.

5

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7

STATE GOVERNMENT

8

9 Requires municipalities to petition COAH for certification of
10 housing element within two years of filing.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

SENATE, No. 2145

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1990

The Assembly Housing Committee reports Senate Bill No. 2145 favorably, without amendment.

This bill amends the "Fair Housing Act" to provide that a municipality which has filed a housing element has two years, instead of six years, following the filing of the housing element to petition the Council on Affordable Housing for a substantive certification of its element and ordinances or to institute an action for declaratory judgment granting it six-year repose in the Superior Court.

The bill further provides that a municipality which filed a housing element prior to the effective date of this act shall be permitted to petition for substantive certification at any time within two years following that filing or within one year following the effective date of this act, whichever results in a longer period of time within which to petition.

SENATE STATE GOVERNMENT AND FEDERAL
AND INTERSTATE RELATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2145

STATE OF NEW JERSEY

DATED: JANUARY 25, 1990

The Senate State Government and Federal and Interstate Relations Committee reports favorably Senate Bill No. 2145.

This bill amends the "Fair Housing Act" to provide that a municipality which has filed a housing element has two years, instead of six years, following the filing of the housing element to petition the Council on Affordable Housing for a substantive certification of its element and ordinances or to institute an action for declaratory judgment granting it six-year repose in the Superior Court.

The bill further provides that a municipality which filed a housing element prior to the effective date of this act shall be permitted to petition for substantive certification at any time within two years following that filing or within one year following the effective date of this act, whichever results in a longer period of time within which to petition.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.