

52:27D-301

LEGISLATIVE HISTORY CHECKLIST
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(Affordable housing)

NJSA: 52:27D-301

LAWS OF: 1995 **CHAPTER:** 231

BILL NO: A1801

SPONSOR(S): Bagger

DATE INTRODUCED: May 19, 1994

COMMITTEE: **ASSEMBLY** Housing

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
Third reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** October 20, 1994

SENATE: June 26, 1995

DATE OF APPROVAL: August 16, 1995

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

KBG:pp

[THIRD REPRINT]
ASSEMBLY, No. 1801

STATE OF NEW JERSEY

INTRODUCED MAY 19, 1994

By Assemblyman BAGGER

1 AN ACT concerning the provision of affordable housing and
2 supplementing P.L.1985, c.222 (C.52:27D-301 et seq.).

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

6 1. When computing a municipal adjustment regarding available
7 land resources as part of the determination of a municipality's
8 fair share of affordable housing, the Council on Affordable
9 Housing shall exclude from designating as vacant land ¹[:

10 a.]¹ any land listed on a master plan of a municipality as being
11 dedicated, by easement or otherwise, for purposes of
12 conservation, park lands or open space and which is owned by a
13 county ³[or] ³ municipality ³or tax-exempt, nonprofit
14 organization³ ¹]; or

15 b. any land consisting of a single site, or contiguous sites
16 owned by the same entity, of less than two acres]¹.

17 ²2. Notwithstanding any law or regulation to the contrary,
18 nothing shall preclude a municipality which has reserved less than
19 three percent of its land area for conservation, park lands or open
20 space under the standards set forth in section 1 of this act from
21 reserving up to three percent of its land area for those purposes.
22 Nothing herein is intended to alter the responsibilities of
23 municipalities with respect to plans already approved which were
24 based upon the right to a vacant land adjustment.²

25 ²[².] ³² This act shall take effect ²[on the first day of the
26 fourth month following enactment] immediately².

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30
31 Permits municipality to exclude certain land designated for open
32 space from consideration for affordable housing development.

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:

¹ Assembly AHO committee amendments adopted June 9, 1994.

² Assembly floor amendments adopted June 16, 1994.

³ Assembly floor amendments adopted September 12, 1994.

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STATE OF NEW JERSEY

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2 supplementing P.L.1985, c.222 (C. 52:27D-301 et seq.).

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

6 1. When computing a municipal adjustment regarding available
7 land resources as part of the determination of a municipality's
8 fair share of affordable housing, the Council on Affordable
9 Housing shall exclude from designating as vacant land:

10 a. any land listed on a master plan of a municipality as being
11 dedicated, by easement or otherwise, for purposes of
12 conservation, park lands or open space and which is owned by a
13 county or municipality; or

14 b. any land consisting of a single site, or contiguous sites
15 owned by the same entity, of less than two acres.

16 2. This act shall take effect on the first day of the fourth
17 month following enactment.

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20 STATEMENT

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22 This bill would permit a municipality to exclude those lands
23 which are county or municipally owned and designated on the
24 municipal master plan as dedicated for purposes of conservation,
25 park lands or open space or sites which are less than two acres
26 from consideration as potential sites for low and moderate
27 income housing developments. Currently, under regulations
28 promulgated by the Council on Affordable Housing (COAH), a
29 municipality may exclude: 1) agricultural lands when the
30 developmental rights to the lands have been purchased or
31 restricted by covenant; 2) environmentally sensitive lands not
32 regulated by a land development commission (such as the
33 Pinelands Commission) when the land is delineated as wetland,
34 flood hazard or slopes in excess of 15 percent; 3) historic site
35 buffers; and 4) up to three percent of the total vacant land within
36 the municipality for recreation.

37 The current rules limiting the recreation areas to three percent
38 of the total vacant land are too rigid and often result in an
39 unrealistic development potential being thrust upon a
40 community. In addition, sites of less than two acres are too small
41 to be given serious consideration for inclusion in affordable
42 housing developments. Such development is usually considered on
43 a larger scale in order make the project economically feasible,
44 and the housing thereby affordable to individuals of low and
45 moderate income. Therefore, these small sites should also be

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1801

with committee amendments

STATE OF NEW JERSEY

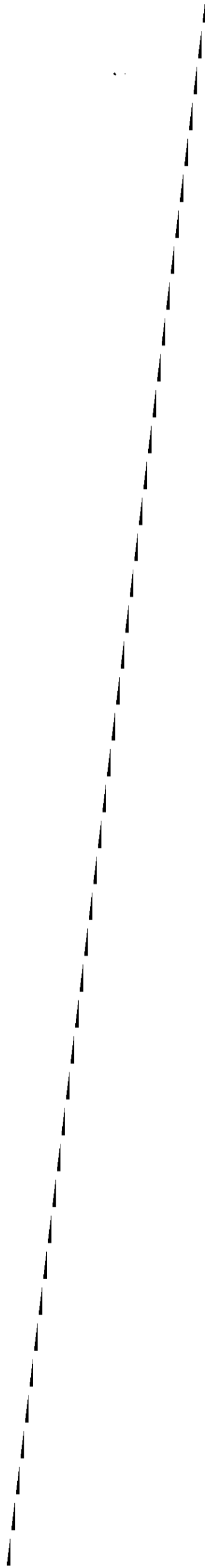
DATED: JUNE 9, 1994

The Assembly Housing Committee favorably reports Assembly Bill No. 1801, with committee amendments.

This bill would permit a municipality to exclude those lands which are county or municipally owned, and designated on the municipal master plan as dedicated for purposes of conservation, park lands or open space, from consideration as potential sites for low and moderate income housing developments, when determining a municipality's ability to meet its fair share requirement. Currently, under regulations promulgated by the Council on Affordable Housing (COAH), a municipality may exclude: 1) agricultural lands when the developmental rights to the lands have been purchased or restricted by covenant; 2) environmentally sensitive lands not regulated by a land development commission (such as the Pinelands Commission) when the land is delineated as wetland, flood hazard or slopes in excess of 15 percent; 3) historic site buffers; and 4) up to three percent of the total vacant land within the municipality for recreation.

The bill would remove the cap of three percent on vacant land which can be excluded from affordable housing development under the rules, if the land has already been designated for open space, park or conservation purposes, and is owned by the county or municipality.

The committee amended the bill to remove an exclusion of sites of less than two acres from the definition of vacant land under COAH regulations.



SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[THIRD REPRINT]

ASSEMBLY, No. 1801

STATE OF NEW JERSEY

DATED: JUNE 19, 1995

The Senate Community Affairs Committee favorably reports Assembly Bill No. 1801 (3R).

This bill would prohibit the Council on Affordable Housing (COAH), when computing a municipal adjustment regarding available land resources as part of determining a municipality's fair share of affordable housing, from designating as vacant land any land listed on the municipality's master plan as being dedicated for purposes of conservation, park lands or open space which land is owned by a county, municipality or tax-exempt, nonprofit organization.

Currently, COAH regulations exclude specific parcels of vacant and developable lands as potential sites for affordable housing if they are: 1) agricultural lands whose development rights have been purchased or restricted by covenant; 2) certain environmentally sensitive lands; and 3) certain historic and architecturally important sites. Additionally, municipalities may currently reserve three percent of their total developed and developable acreage for active municipal recreation and exclude it from consideration as potential sites for affordable housing. This bill would remove the cap of three percent on vacant land which can be excluded from affordable housing development under the rules, if the land has already been dedicated for open space, park or conservation purposes, and is owned by the county, municipality or tax-exempt, nonprofit organization.

Furthermore, this bill would specify that a municipality that has not yet reserved up to three percent of its vacant land for conservation, park lands or open space as not subject to development for affordable housing may do so at any time. This provision of the bill is not intended to alter the responsibilities of a municipality that has received substantive certification of an affordable housing plan based upon the right to a vacant land adjustment.

This bill is identical to Senate, No. 1835 which was also favorably reported by the committee this date.

1 excluded from the definition of vacant land. This bill will help a
2 municipality to balance it's need for open space with the need
3 for affordable housing in the region.

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8 Permits municipality to exclude small sites and certain land
9 designated for open space from consideration for affordable
10 housing development.

