

52:27D-305

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 52:27D-305 (Council on Affordable Housing--  
clarify appointments and terms of office)

**LAWS OF:** 1989 **CHAPTER:** 199

**Bill No:** A3979

**Sponsor(s):** Ogden and others

**Date Introduced:** November 28, 1988

**Committee: Assembly:** Housing

**Senate:** -----

**Amended during passage:** Yes Assembly Committee Statement (1R)

**Date of Passage: Assembly:** June 15, 1989 Re-enacted 9-28-89

**Senate:** June 22, 1989 Re-enacted 11-20-89

**Date of Approval:** November 28, 1989

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee Statement: Assembly:** Yes

**Senate:** No

**Fiscal Note:** No

**Veto Message:** Yes

**Message on signing:** Yes

**Following were printed:**

**Reports:** No

**Hearings:** No

See clippings-attached

"Revise clears for fair housing council tenure," 11-21-89 Star Ledger.

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 3979 and SENATE, No. 2938

STATE OF NEW JERSEY

ADOPTED APRIL 24, 1989

Sponsored by Assemblywoman OGDEN, Assemblyman ALBOHN,  
Senator LYNCH and Assemblymen Bennett and Palaia

1 AN ACT clarifying the appointment and term of office of elected  
officials serving on the Council on Affordable Housing, and  
3 amending P.L.1985, c.222.

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

7 1. Section 5 of P.L.1985, c.222 (C.52:27D-305) is amended to  
read as follows:

9 5. a. There is established in, but not of, the Department of  
Community Affairs a Council on Affordable Housing to consist of  
11 nine members appointed by the Governor with the advice and  
consent of the Senate, of whom four shall be elected officials  
13 representing the interests of local government, at least one of  
whom shall be representative of an urban municipality having a  
15 population in excess of 40,000 persons and a population density in  
excess of 3,000 persons per square mile, at least one of whom  
17 shall be representative of a municipality having a population of  
40,000 persons or less and a population density of 3,000 persons  
19 per square mile or less, and no more than one of whom may be a  
representative of the interests of county government; two shall  
21 represent the interests of households in need of low and moderate  
housing, one of whom shall represent the interests of the builders  
23 of low and moderate income housing, and shall have an expertise  
in land use practices and housing issues and one of whom shall be  
25 the executive director of the agency, serving ex officio; and  
three shall represent the public interest. Not more than five of  
27 the nine shall be members of the same political party. The  
membership shall be balanced to the greatest extent practicable  
29 among the various housing regions of the State.

31 b. The members shall serve for terms of six years, except that  
of the members first appointed, two shall serve for terms of four

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 amendments adopted in accordance with Governor's  
recommendation August 14, 1989.

1 years, three for terms of five years, and three for terms of six  
2 years. All members shall serve until their respective successors  
3 are appointed and shall have qualified. Notwithstanding the  
4 above, a member appointed to represent the interests of local  
5 government shall serve only such length of the term for which  
6 appointed as the member continues to hold elected local office,  
7 except that the term of a member so appointed shall not become  
8 vacant until 60 days after the member ceases to hold that elected  
9 office. Vacancies shall be filled in the same manner as the  
10 original appointments, but for the remainders of the unexpired  
11 terms only.

12 c. The members excluding the executive director of the  
13 agency shall be compensated at the rate of \$150.00 for each  
14 six-hour day, or prorated portion thereof for more or less than six  
15 hours, spent in attendance at meetings and consultations and all  
16 members shall be eligible for reimbursement for necessary  
17 expenses incurred in connection with the discharge of their duties.

18 d. The Governor shall nominate the members within 30 days of  
19 the effective date of this act and shall designate a member to  
20 serve as chairman throughout the member's term of office and  
21 until his successor shall have been appointed and qualified.

22 e. Any member may be removed from office for misconduct in  
23 office, willful neglect of duty, or other conduct evidencing  
24 unfitness for the office, or for incompetence. A proceeding for  
25 removal may be instituted by the Attorney General in the  
26 Superior Court. A member or employee of the council shall  
27 automatically forfeit his office or employment upon conviction of  
28 any crime. Any member or employee of the council shall be  
29 subject to the duty to appear and testify and to removal from his  
30 office or employment in accordance with the provisions of  
31 P.L.1970, c.72 (C.2A:81-17.2a et seq.).

(cf: P.L.1985, c.222, s.5)

32 2. This act shall take effect immediately, <sup>1</sup>[and] <sup>1</sup>but<sup>1</sup> shall  
33 <sup>1</sup>not<sup>1</sup> be applicable to members serving <sup>1</sup>an unexpired term<sup>1</sup> on  
34 the Council on Affordable Housing as representatives of local  
35 government at the time of enactment <sup>1</sup>[as well as to future  
36 members, except that the term of such a member serving at the  
37 time of enactment who does not at that time hold local elected  
38 office shall become vacant 60 days after the effective date of  
39 this act]<sup>1</sup>.

1

HOUSING

State Officers and Boards

3

Clarifies appointment and term of elected officials on COAH

SENATE, No. 2938  
STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1988

By Senator LYNCH

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DO NOT REMOVE

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the council only during the time they hold office, at least one of  
15 whom shall be representative of an urban municipality having a  
population in excess of 40,000 persons and a population density in  
17 excess of 3,000 persons per square mile, and no more than one of  
whom may be a representative of the interests of county  
19 government; two shall represent the interests of households in  
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21 the interests of the builders of low and moderate income housing,  
and shall have an expertise in land use practices and housing  
23 issues and one of whom shall be the executive director of the  
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same political party. The membership shall be balanced to the  
27 greatest extent practicable among the various housing regions of  
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29 b. The members shall serve for terms of six years, except that  
of the members first appointed, two shall serve for terms of four  
31 years, three for terms of five years, and three for terms of six  
years. All members shall serve until their respective successors  
33 are appointed and shall have qualified. ~~When the term of office~~ be filled

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above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

ASSEMBLY, No. 3979  
STATE OF NEW JERSEY

INTRODUCED NOVEMBER 28, 1988

By Assemblywoman OGDEN, Assemblymen ALBOHN,  
Bennett and Palaia

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on the Council on Affordable Housing, and amending P.L.1985,  
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1 in the same manner as the original appointments, but for the  
remainders of the unexpired terms only.

3 c. The members excluding the executive director of the  
agency shall be compensated at the rate of \$150.00 for each  
5 six-hour day, or prorated portion thereof for more or less than six  
hours, spent in attendance at meetings and consultations and all  
7 members shall be eligible for reimbursement for necessary  
expenses incurred in connection with the discharge of their duties.

9 d. The Governor shall nominate the members within 30 days of  
the effective date of this act and shall designate a member to  
11 serve as chairman throughout the member's term of office and  
until his successor shall have been appointed and qualified.

13 e. Any member may be removed from office for misconduct in  
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15 unfitness for the office, or for incompetence. A proceeding for  
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17 Superior Court. A member or employee of the council shall  
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19 any crime. Any member or employee of the council shall be  
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21 office or employment in accordance with the provisions of  
P.L.1970, c.72 (C.2A:81-17.2a et seq.).

23 (cf: P.L.1985, c.222, s.5)

25 2. This act shall take effect immediately, and shall be  
applicable to members serving on the Council of Affordable  
Housing at the time of enactment as well as to future members.

27

#### STATEMENT

29

This bill would clarify that elected officials appointed to the  
31 Council on Affordable Housing are eligible to serve on the council  
only during the time which they hold elected office. Upon loss of  
33 elected office, their seat on the Council of Affordable Housing  
would become vacant.

35

#### HOUSING

37

#### State Officers and Boards

39

Clarifies term of elected officials on COAH.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 3979 and SENATE, No. 2938 [1R]

STATE OF NEW JERSEY

DATED: APRIL 24, 1989

The Assembly Housing Committee reports Assembly Bill No. 3979 and Senate Bill No. 2938 [1R] favorably, by committee substitute.

This bill would clarify that elected officials appointed to the Council on Affordable Housing are eligible to serve on the Council only during the time that they hold elected office. Sixty days after ceasing to hold such office, their tenure on the Council would expire; except that in the case of any former local officeholder heretofore appointed and still serving at the time when this bill is enacted, council membership would cease 60 days from the date of enactment.

The bill also provides that at least one of the four local officeholders appointed to the council shall be representative of a municipality with a population of 40,000 or less and a population density of 3,000 or less. The law already requires that one of the four represent a municipality of population and population density higher than that.



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3 c. The members excluding the executive director of the  
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#### HOUSING

##### State Officers and Boards

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STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

August 14, 1989

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 3979

AND SENATE BILL NO. 2983 (First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Assembly Committee Substitute for Assembly Bill No. 3979 and Senate Bill No. 2983 (First Reprint) with my objections for reconsideration.

This bill amends the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and in particular, it amends N.J.S.A. 52:27D-305 which concerns the appointment and term of office of members serving on the Council on Affordable Housing (COAH). The bill makes two changes to N.J.S.A. 52:27D-305, both of which I fully support.

First, present law requires that four of the Governor's nine appointments to COAH be "elected officials representing the interest of local government." Of those four appointees, at least one must "be representative of an urban municipality having a population in excess of 40,000 persons and a population density in excess of 3,000 per square mile . . .," thus assuring representation from the most urban of the State's municipalities. This bill requires that at least one of the appointees must "be representative of a municipality having a population of 40,000 persons or less and a population density of 3,000 persons per square mile or less . . .," thus assuring representation to the more sparsely populated municipalities within the State. I wholeheartedly concur with this amendment.

Second, this bill mandates that these "local official" appointees may serve on COAH only during the time that they hold office. Specifically, 60 days following the resignation of a public official or the expiration of his or her term (due to election defeat or otherwise), the appointee's term on COAH would lapse.

At the time this bill was proposed for consideration by the Legislature, three of the four COAH members appointed as local officials were no longer local officials. However, one of these three COAH members has recently resigned his position and the term of another will expire before the effective date of this legislation. Therefore, the bill's only real impact on present membership is on Carol Rufener, who was appointed to a five-year term ending September 12, 1990.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

2

While this amendment ensuring that the local representatives on COAH currently hold public office makes good sense, I nevertheless believe that Carol Rufener should serve out her full COAH term. Ms. Rufener is not only a former President of the Freeholder Board in Morris County, she also served as the Mayor of the Borough of Mountain Lakes. She has retained a strong sense of the interests of local government and, as a COAH member, has been most responsive to local issues and concerns. Her personal commitment has been apparent in her near-perfect attendance record and her willingness to work diligently and earnestly as a COAH member. Further, COAH is currently undergoing a major change in its membership. The retention of Ms. Rufener will greatly facilitate the transition process during the busy and important period COAH now faces. As a result, I recommend that the bill's effective date be amended so that the bill will only apply to COAH members appointed after its enactment.

Therefore, I herewith return Assembly Committee Substitute for Assembly Bill No. 3979 and Senate Bill No. 2938 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 2, Line 33: DELETE "and" INSERT "but"; after "shall"  
INSERT "not"

Page 2, Section 2, Line 34: After "serving" INSERT "an unexpired term"

Page 2, Section 2, Lines 36-39: After "enactment" DELETE in entirety and  
INSERT "."

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Deborah T. Poritz

Chief Counsel

The Governor pointed out that the vocational training and aftercare provisions of the legislation "are specifically designed to show youthful offenders that society does care about their well-being and is prepared to respond with compassion."

Other bills signed by Kean today are:

A-3979, sponsored by Assemblywoman Maureen Ogden, R-Essex, to change the membership requirement on the Council on Affordable Housing to permit Carol Reufner of Mountain Lakes to remain on the council. Kean had conditionally vetoed the bill in August.

S-2562, sponsored by Senator Thomas Paterniti, D-Middlesex, and Senator Gerald Cardinale, R-Bergen, to permit members of the Teachers' Pension and Annuity Fund to purchase credit for service as an officer of a labor organization which represents teachers.

#####