




Masser, Michelle


From: Lashway, Lisa
Sent: Wednesday, June 09, 2010 3:51 PM
To: Sohl, Bill; Masser, Michelle
Subject: FW: S-1 Posted for Senate Vote Thursday June 10

Lisa Lashway
Township Clerk
Township of Mount Olive
P.O. Box 450
Budd Lake, NJ 07828
973-691-0900 Ext. 7290

From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Wednesday, June 09, 2010 3:10 PM
To: Lashway, Lisa
Subject: S-1 Posted for Senate Vote Thursday June 10



**Municipal Clerks
for Mayors, Elected Officials
and Staff**



June 9, 2010

Re: S-1 Posted For Senate Vote, Thursday, June 10

Dear Mayor:

S-1, which abolishes COAH and reforms the Fair Housing Act, is posted for a vote by the full Senate on Thursday. We anticipate a hearing for either S-1 or an Assembly companion bill next week. It appears that the Legislative

sponsors and the Administration are moving closer to a consensus, and there is a distinct possibility that the bill will reach the Governor before the Legislature recesses for the summer.

Last Thursday, the Senate Economic Growth committee considered and released a new committee substitute for S-1, which is posted online at: http://www.njleg.state.nj.us/2010/Bills/S0500/1_U2.HTM

Below we highlight some of the major areas of the committee substitute of S-1. We have also posted a summary of the new bill at: <http://www.njslom.org/letters/SCS-s1-summary060710.pdf>. Please note that this summary is a working document and may be changed as our review of the bill continues. While the new S-1 retains many concepts from previous versions, it is different enough that you should disregard any of our previous summaries and rely solely on the link above.

Per Sections 2 and 33, the Council on Affordable Housing (COAH) will be abolished, effective six months from effective date of the bill, and its responsibilities transferred to the Department of Community Affairs.

Under Section 20, a municipality may be classified as inclusionary if it meets one of three criteria:

- 7.5% of housing stock is "price restricted."
- 33% of housing is single family attached, mobile homes or multiple dwellings. 50% of these units must be rental.
- The municipality adopts zoning ordinances or incorporates into its Master Plan analyses of the existing housing stock and how it will address its prospective need. These detailed analysis and documents are to be submitted to the DCA for review.

Section 21 requires municipalities to impose a 10% set-aside in any new residential development of 5 or more units. For projects of less than 5 units, the set-aside is 5%

Section 22 authorizes alternate means of compliance, including offsite construction, offsite rehabilitation, payment of a development fee in lieu of construction, 100% affordable developments, among others.

Section 23 authorizes municipalities to enact occupancy preferences of up to 50% for residents.

Under Section 24, in municipalities that do not meet the inclusionary criteria, variances may be brought to the planning board with affordable housing units considered an “inherently beneficial use.” A municipality that adopts an ordinance that reserves 20% of its developable land for workforce housing is exempt from this variance procedure.

Section 25 eliminates the 2.5% fee on non-residential development fee, enacted by P.L. 2008, c. 46 (aka A-500.)

Section 27 authorizes municipalities to enact a 2.5% fee on the equalized value of residential development.

Previous versions of S-1 allowed for the reinstatement for RCA agreements that were extinguished by A-500. This language has been eliminated and no agreements will proceed.

The League will continue its review of the legislation, and suggest any additional changes we believe will improve the legislation. Questions can be directed to Mike Cerra at mcerra@njslom.com or at 609-695-3481 x120.

Very truly yours,

William G. Dressel, Jr.
Executive Director

New Jersey League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481

To unsubscribe from this list, send a blank email to **leave-12617808-235018168.a5b3b1841a13d0fd7831dbdfc64a0b1b@lists.n-email2.net**