

SENATE BILL S-2254 AND ASSEMBLY BILL A-3821

Specifically, these bills clarify that every municipality's affordable housing obligation is the sum of:

1. present need, which are individuals that exist in the municipality presently, but live in deteriorated housing who qualify as low income households (households whose income is 50% or less of the median gross income for household in the housing region) or moderate income households (households whose income is more than 50% but less than 80% of the median gross income for households in the housing region); and
2. prospective need, which is the municipality's share of low and moderate income households that will be created in the future.

S-2254 and A-3821 clarify the existing law and create a rational and reasonable path forward for New Jersey municipalities to meet their affordable housing goals.

- **The so called “gap” issue arose due to the failure of the state agency (COAH) charged with adopting and administering regulations to do so.**
- **The Appellate Division was correct in reversing a lower court’s ruling which created a new obligation, i.e. a “gap” obligation.**
- **If a municipality has a plan to address its present and prospective need, it should be able to implement the plan without the threat of ongoing and costly litigation.**
- **Despite the Appellate Division ruling regarding the “gap period”, without legislative help, towns will continue to battle untenable and irrational arguments which will drag out and make more costly their efforts to plan for affordable housing.**
- **The proposed obligations being advanced by certain housing advocates and private developers are unreasonable, irrational and unachievable.**
- **The Court appointed master in several counties is the only expert to review both methodologies offered by the Fair Share Housing Center and the “Municipal Group.” He has found significant error in the Fair Share Methodology and has advanced his own projections.**
- **A-3821 and S-2254 clarifies existing law and is consistent with the Appellate Division ruling. These bills will implement a rational, reasonable and achievable housing policy and will incentivize the production of affordable housing.**