

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 3065

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2024

The Senate Environment and Energy Committee reports favorably and with committee amendments Senate Bill No. 3065.

This bill would require environmentally sensitive or flood-prone lands, where development is prohibited or substantially constrained by environmental laws or by any State or federal agency, to be excluded from counting as available land for the construction of affordable housing as a part of the fair share affordable housing obligation of a municipality, established pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.). Currently, State statutes only establish this requirement if development is prohibited on the land by a State or federal agency.

COMMITTEE AMENDMENTS:

The committee amendments would:

(1) omit certain technical changes to section 1 of P.L.1995, c.231 (C.52:27D-310.1), which were included in the bill as introduced, to account for the passage of P.L.2024, c.2, which also amends this section of law;

(2) explicitly include flood-prone lands as a category of lands to be excluded from affordable housing-related calculations;

(3) provide that excluded lands are to be those on which development is "prohibited or substantially constrained," rather than "regulated"; and

(4) explicitly include certain environmental laws that may substantially constrain development pursuant to the bill's provisions.