



**From:** NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]  
**Sent:** Monday, May 04, 2009 3:56 PM  
**To:** Lashway, Lisa  
**Subject:** From NJLM - Alert- Governor Issues Conditional Veto of Age Restricted Conversion Legislation

## LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

May 4, 2009

**Re: Legislative Alert, S-2577/A-3772 - Governor Issues Conditional Veto of Age-Restricted Conversion Legislation**

Dear Mayor:

Today, the Governor issued a conditional veto (CV) of S-2577/A-3772, which would have permitted the conversion of age-restricted housing units to non-age-restricted housing units.

If you recall, the legislation passed both houses of the Legislature on March 16, passing by one vote in the Senate. The League opposed the bill, as it runs contrary to the intent of the municipal land use law (MLUL) and thirty years of case law supporting it. Since its passage, the League has been seeking a veto of the legislation, and encouraged local governments to weigh in on the issue with the Governor's Office.

While the bill was not outright vetoed, your efforts made a difference, as it appears that conditional veto mitigates objectionable portions of the bill.

We are reviewing the CV language, but one of the purposes of the recommendations is to provide, "...local governmental units with additional approval authority in matters of planning for residential development." Included among the recommendations are (new language is underlined):

- The Governor recommends new language to Section 4(c) as follows, "*If the approving board determines that the requirements of P.L., c. (C. ) (pending before the Legislature as this bill) have been satisfied, and the conversion can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, the application shall be approved.*"
- As passed by the legislature, the bill states that there can be an affordable housing set-aside, not to exceed 20%, without incurring a growth share obligation on the

- municipality. The Governor recommends that this be changed to a fixed 20% set aside.
- The Governor recommends rewriting Section 11(b) of the bill to read, “*In deciding an appeal, the court shall consider the reasonableness of the decision of the approving board. Upon finding that the conversion should have been approved, the court may make an order instructing the board to approve the converted development, along with any reasonable conditions of approval deemed necessary by the court.*”

The bill is now returned to the State Legislature for consideration of the Governor’s recommendations. We recommend speaking to your land use attorneys for the impact of this language on your community. Questions can be directed to Mike Cerra at [mcerra@njslom.com](mailto:mcerra@njslom.com) or (609) 695-3481 x120.

Very truly yours,

William G. Dressel, Jr.  
Executive Director

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