

# Community Trends



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May 2024



## LEGISLATIVE UPDATE

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Now that the legislature has reformed Council of Affordable Housing (COAH) and Affordable Housing in the state, it appears poised to tackle the “accessory dwelling unit” (“ADU”) issue. It is claimed that New Jersey has a housing crisis that is, among other things, exacerbated by overly restrictive single-family home centric zoning ordinances.

One avenue that New Jersey and other states are exploring to increase the housing supply is overriding local ordinances in order to enable the construction of ADUs. In essence, an ADU is an additional housing unit glommed onto a single or double family type lot. It could be a converted garage, a “mother-in-law” apartment in the basement, and other things of that nature.

Increasing the availability of ADUs is supported by some powerful national organizations, such as the AARP. CAI’s public policy is to support ADUs to increase housing stock while recognizing the need to permit community associations to properly regulate same.

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In that connection, the New Jersey Legislative Action Team (NJ-LAC) has submitted comments regarding the various ADU bills under consideration. Essentially, the NJ-LAC’s goals include:

1. Most of the bills that have been introduced are targeted towards single family lots. Accordingly, the LAC seeks to carve townhome style homes (often referred to as “single-family detached homes”) from the type of properties that must allow ADUs. In particular, townhome style lots are not conducive to the construction of accessory

dwelling units, and said units may have a much more significant impact on neighbors than in typical single family settings.

2. The proposed legislation will almost certainly contain language that will prohibit community associations that in whole or in part consist of single-family homes from prohibiting the creation of otherwise permissible ADUs. However, the NJ-LAC wants to make sure that community associations will retain the authority to adopt reasonable

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rules and regulations to ensure that any such ADUs will meet architectural standards and other needs particular to the community, and to ensure that the community association retains the ability to govern the conduct of the ADU occupants.

3. Finally, the NJ-LAC seeks to ensure that if community association owners choose to construct ADUs on their property, the community association can adjust the amount of the common expense attributable to the unit to take into account the increased intensity of use caused by the ADU.

As these laws continue to develop, we will provide you with further updates. ■