

LEGISLATIVE HISTORY OF R.S. 40:55-21.1 thru 14
(Blighted areas)

DEPOSITORY COPY

For background see:

COPY NO. 2

- 974.90 N.J. Legislature. Senate. Judiciary Com.
H842 Legislative bulletin on the low rent
1949 housing and slum clearance program.
- 974.90 N.J. Governor's Temporary Committee on
H842 Housing.
1949c Report, 1949.

L. 1949, Chapter 187 - A350

March 7 - Introduced by Pike.

March 24 - Passed in Assembly, amended.

April 4 - Passed in Senate.

May 21 - Approved, Chapter 187.

No statement.

Amended during passage; copy of original bill and
amendment attached. (p. 523, Asy Min of 1949)

This law was amended by:

L. 1951, Chapter 248 - A529

March 5 - Introduced by Joya.

March 28 - Passed in Assembly.

May 2 - Passed in Senate.

June 19 - Approved, Chapter 248.

Not amended during passage.

Statement reads:

The purpose of this bill is to make uniform
the definition of "blighted area" as given in the
act which this bill amends, in the local housing
authorities law (P.L. 1949, c. 300), and in the
redevelopment agencies law (P.L. 1949, c. 306).

L. 1967, Chapter 217 - A347

January 23 - Introduced by Tanzman and 3 others

March 6 - Passed in Assembly.

May 8 - Passed in Senate.

October 10 - Approved, Chapter 217

Not amended during passage.

No statement.

DEPOSITORY COPY
Do Not Remove From Library

Do Not Remove From Library

No hearings or reports were located.

Checked N.J. Municipalities for 1949, 1951 and 1967 without success.

JH/PC

DEPOSITORY COPY
Do Not Remove From Library

Mr. Pike offered the following amendments to Assembly Bill No. 350, which were read.

Proposed amendments to Assembly Bill No. 350:

Amend page 5, section 11, line 7, after "Statutes)" add "or by any common carrier".

Amend page 5, section 11, line 15, after "utility" add "or common carrier".

Amend page 5, section 11, line 15, after "remove" add ", reconstruct, alter".

Amend page 5, section 11, line 16, after "utility" add "or common carrier".

Amend page 5, section 11, line 17, after "move" add ", reconstruct, alter".

Amend page 5, section 11, line 18, after "removal" add ", reconstruction, alteration".

Amend page 5, section 11, line 21, after "removal" add ", reconstruction, alteration".

Amend page 5, section 11, line 23, after "utility" add "or common carrier".

Amend page 5, section 11, line 33, after "public utility" add "or common carrier".

Amend page 5, section 11, line 33, after "such public utility" add "or common carrier".

Amend page 6, section 11, line 36, after "replacing" add ", reconstructing, altering".

Mr. Pike moved the adoption of the committee amendments to Assembly Bill No. 350.

Which motion was adopted.

Assembly Bill No. 350, entitled "An act defining 'blighted area,' authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas,"

As amended,

Was taken up, read a second time, considered by sections, agreed to ordered to be printed, and to have a third reading.

ASSEMBLY, No. 350

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1949

By Mr. PIKE

Referred to Committee on Municipal Aid

AN Act defining "blighted area," authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act, the term "blighted area" shall mean an area in
2 any municipality wherein there exists to a large extent:

3 (a) Buildings and structures which are unfit, unsanitary and unsafe for
4 human use and habitation by reason of age, physical deterioration, dilapida-
5 tion of obsolescence;

6 (b) Buildings and structures which are so situated and used as to have
7 therein more inhabitants than can be fitly and safely housed;

8 (c) Buildings and structures which have economically deteriorated and
9 where there is a disproportion between the cost of municipal services ren-
10 dered to the area as compared with the tax revenue derived therefrom; or

11 (d) A prevalence of factors conducive to ill health, transmission of dis-
12 ease, infant mortality, juvenile delinquency, crime and poverty.

1 2. The governing body of any municipality, by resolution, may provide
2 for a preliminary investigation of any area in the municipality to determine
3 whether such area is, or is not, a blighted area, as defined in this act. If
4 the municipality has a planning board created by ordinance, pursuant to the

5 provisions of article one of chapter fifty-five of Title 40 of the Revised Stat-
6 utes, the said resolution shall provide that the matter of such preliminary
7 investigation shall be referred to the said planning board, or if there is no
8 such planning board in the municipality, then the said resolution shall pro-
9 vide that the preliminary investigation shall be conducted by the govern-
10 ing body of the municipality.

1 3. Whenever such a resolution is adopted, the governing body, or the
2 planning board, as the case may be, shall first cause to be prepared a map
3 showing the boundaries of the area to be investigated and the location of
4 the various parcels of property included therein. There shall be appended
5 to the said map a statement setting forth the basis for the investigation.

1 4. The governing body or the planning board shall thereupon cause a
2 hearing to be held at an appointed time and place for the purpose of hear-
3 ing persons interested in, or who would be affected by, a determination that
4 the area is a blighted area, as defined in this act, and who favor or who
5 are against such a determination.

1 5. A notice of any such hearing shall be given setting forth the gen-
2 eral boundaries of the area to be investigated and stating that a map has
3 been prepared and can be inspected at the office of the clerk of the munici-
4 pality. A copy of such notice shall be published in a newspaper of general
5 circulation in the municipality once each week for two consecutive weeks, and
6 the last publication shall be not less than ten days prior to the date set for
7 the hearing. A copy of the notice shall be mailed at least ten days prior
8 to the date set for the hearing to the last owner, if any, of each parcel of
9 property within the area according to the assessment records of the munici-
10 pality. A notice shall also be sent to any and all persons at his, or their,
11 last known address, if any, whose names are noted on said assessment rec-
12 ords as claimants of an interest in any such parcel. The assessor of the
13 municipality shall make such a notation upon the said records when re-
14 quested so to do by any person claiming to have an interest in any parcel
15 of property in the municipality. The notice shall be published and mailed

16 by the clerk of the municipality, or by such clerk or official, as the govern-
17 ing body or planning board shall designate. Failure to mail any such notice
18 shall not invalidate the investigation or determination thereon.

1 6. At the hearing, which may be adjourned from time to time, the gov-
2 erning body, or planning board, as the case may be, shall hear all persons
3 interested in the investigation and shall consider any, and all, written ob-
4 jections that may be filed and any evidence which may be adduced in support
5 of the objections, or any opposition to a determination that the area is a
6 blighted area. After the hearing, the governing body, or planning board,
7 shall, by resolution, determine that the area or any part thereof is, or is
8 not, a blighted area, as defined in this act. A determination that the area
9 or any part thereof is a blighted area, if supported by substantial evidence,
10 shall be binding and conclusive upon all persons affected by the determina-
11 tion. If the determination is that the area or any part thereof is a blighted
12 area, the governing body or planning board, within ten days after such de-
13 termination, shall cause to be served a copy of the resolution upon each per-
14 son who filed a written objection prior to the hearing; *provided*, the address
15 of the objector was stated in, or upon, the written objection.

16 Such service may be made (a) by delivering a copy of the resolution
17 personally to the objector, (b) by mailing such copy addressed to the ob-
18 jector according to his said stated address, or (c) by leaving such copy at
19 said stated address for the objector with a person of suitable age and dis-
20 cretion.

1 7. Where the determination is made by a planning board, it shall be
2 subject to approval, disapproval or modification by the governing body of
3 the municipality. The determination shall be submitted by the planning
4 board to the governing body of the municipality in the form of a report
5 and final action thereon shall be taken by the said governing body within
6 thirty days after the submission of said report.

1 8. Where written objections shall have been filed and the determination
2 is that an area is a blighted area, no further proceedings shall be taken by

3 the governing body of the municipality upon such determination until thirty
4 days shall have elapsed after such determination. If within said thirty-
5 day period an action to review the determination is commenced in the Supe-
6 rior Court, no further proceedings shall be taken by the said governing body
7 upon such determination during the pendency of such action.

1 9. Any person who shall have filed such a written objection with the
2 governing body, or planning board, as the case may be, may have a deter-
3 mination that an area is a blighted area reviewed by the Superior Court
4 of New Jersey by procedure in lieu of prerogative writs. An action for any
5 such review shall be commenced within thirty days after the determination
6 by the governing body of the municipality, either in the first instance, or
7 by final action upon a report by a planning board. In any such action, the
8 said court may make any incidental order that shall be deemed by the court
9 to be proper.

1 10. If the determination is that an area is a blighted area, the gov-
2 erning body of the municipality may, but shall not be required to, acquire
3 the real property within the area by purchase, or by eminent domain pro-
4 ceedings, and may proceed with the clearance, replanning, development or
5 redevelopment of the area as a public purpose and for public use, or the said
6 governing body may, by resolution, agree that a private corporation may
7 undertake such clearance, replanning, development or redevelopment in ac-
8 cordance with statutory authority and subject to the provisions of para-
9 graph 1, Section III, Article VIII, of the Constitution.

1 11. Nothing contained in this act shall be deemed to require the gov-
2 erning body of any municipality to proceed to an investigation and deter-
3 mination that an area is a blighted area, nor to limit the power of any
4 municipality, or of any public or private corporation, or person from exer-
5 cising any right conferred upon it, or him, by any law of this State with
6 respect to the acquisition of private property for the clearance, replanning,
7 development or redevelopment of blighted areas at the time and in the
8 manner provided by law.

1 12. If any provision of this act is held to be invalid, the remainder shall
2 not be affected thereby and each provision of this act shall be deemed to be
3 separable.

1 13. This act shall take effect July first, one thousand nine hundred and
2 forty-nine.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 350

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1949

By Mr. PIKE

Referred to Committee on Municipal Aid

AN ACT defining "blighted area," authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act, the term "blighted area" shall mean an area in
2 any municipality wherein there exists to a large extent:

3 (a) Buildings and structures which are unfit, unsanitary and unsafe for
4 human use and habitation by reason of age, physical deterioration, dilapida-
5 tion or obsolescence;

6 (b) Buildings and structures which are so situated and used as to have
7 therein more inhabitants than can be fitly and safely housed;

8 (c) Buildings and structures which have economically deteriorated and
9 where there is a disproportion between the cost of municipal services ren-
10 dered to the area as compared with the tax revenue derived therefrom; or

11 (d) A prevalence of factors conducive to ill health, transmission of dis-
12 ease, infant mortality, juvenile delinquency, crime and poverty.

1 2. The governing body of any municipality, by resolution, may provide
2 for a preliminary investigation of any area in the municipality to determine
3 whether such area is, or is not, a blighted area, as defined in this act. If
4 the municipality has a planning board created by ordinance, pursuant to the

5 provisions of article one of chapter fifty-five of Title 40 of the Revised Stat-
6 utes, the said resolution shall provide that the matter of such preliminary
7 investigation shall be referred to the said planning board, or if there is no
8 such planning board in the municipality, then the said resolution shall pro-
9 vide that the preliminary investigation shall be conducted by the govern-
10 ing body of the municipality.

1 3. Whenever such a resolution is adopted, the governing body, or the
2 planning board, as the case may be, shall first cause to be prepared a map
3 showing the boundaries of the area to be investigated and the location of
4 the various parcels of property included therein. There shall be appended
5 to the said map a statement setting forth the basis for the investigation.

1 4. The governing body or the planning board shall thereupon cause a
2 hearing to be held at an appointed time and place for the purpose of hear-
3 ing persons interested in, or who would be affected by, a determination that
4 the area is a blighted area, as defined in this act, and who favor or who
5 are against such a determination.

1 5. A notice of any such hearing shall be given setting forth the gen-
2 eral boundaries of the area to be investigated and stating that a map has
3 been prepared and can be inspected at the office of the clerk of the munici-
4 pality. A copy of such notice shall be published in a newspaper of general
5 circulation in the municipality once each week for two consecutive weeks, and
6 the last publication shall be not less than ten days prior to the date set for
7 the hearing. A copy of the notice shall be mailed at least ten days prior
8 to the date set for the hearing to the last owner, if any, of each parcel of
9 property within the area according to the assessment records of the munici-
10 pality. A notice shall also be sent to any and all persons at his, or their,
11 last known address, if any, whose names are noted on said assessment rec-
12 ords as claimants of an interest in any such parcel. The assessor of the
13 municipality shall make such a notation upon the said records when re-
14 quested so to do by any person claiming to have an interest in any parcel
15 of property in the municipality. The notice shall be published and mailed

16 by the clerk of the municipality, or by such clerk or official, as the govern-
17 ing body or planning board shall designate. Failure to mail any such notice
18 shall not invalidate the investigation or determination thereon.

1 6. At the hearing, which may be adjourned from time to time, the gov-
2 erning body, or planning board, as the case may be, shall hear all persons
3 interested in the investigation and shall consider any, and all, written ob-
4 jections that may be filed and any evidence which may be adduced in support
5 of the objections, or any opposition to a determination that the area is a
6 blighted area. After the hearing, the governing body, or planning board,
7 shall, by resolution, determine that the area or any part thereof is, or is
8 not, a blighted area, as defined in this act. A determination that the area
9 or any part thereof is a blighted area, if supported by substantial evidence,
10 shall be binding and conclusive upon all persons affected by the determina-
11 tion. If the determination is that the area or any part thereof is a blighted
12 area, the governing body or planning board, within ten days after such de-
13 termination, shall cause to be served a copy of the resolution upon each per-
14 son who filed a written objection prior to the hearing; *provided*, the address
15 of the objector was stated in, or upon, the written objection.

16 Such service may be made (a) by delivering a copy of the resolution
17 personally to the objector, (b) by mailing such copy addressed to the ob-
18 jector according to his said stated address, or (c) by leaving such copy at
19 said stated address for the objector with a person of suitable age and dis-
20 cretion.

1 7. Where the determination is made by a planning board, it shall be
2 subject to approval, disapproval or modification by the governing body of
3 the municipality. The determination shall be submitted by the planning
4 board to the governing body of the municipality in the form of a report
5 and final action thereon shall be taken by the said governing body within
6 thirty days after the submission of said report.

1 8. Where written objections shall have been filed and the determination
2 is that an area is a blighted area, no further proceedings shall be taken by

3 the governing body of the municipality upon such determination until thirty
4 days shall have elapsed after such determination. If within said thirty-
5 day period an action to review the determination is commenced in the Supe-
6 rior Court, no further proceedings shall be taken by the said governing body
7 upon such determination during the pendency of such action.

1 9. Any person who shall have filed such a written objection with the
2 governing body, or planning board, as the case may be, may have a deter-
3 mination that an area is a blighted area reviewed by the Superior Court
4 of New Jersey by procedure in lieu of prerogative writs. An action for any
5 such review shall be commenced within thirty days after the determination
6 by the governing body of the municipality, either in the first instance, or
7 by final action upon a report by a planning board. In any such action, the
8 said court may make any incidental order that shall be deemed by the court
9 to be proper.

1 10. If the determination is that an area is a blighted area, the gov-
2 erning body of the municipality may, but shall not be required to, acquire
3 the real property within the area by purchase, or by eminent domain pro-
4 ceedings, and may proceed with the clearance, replanning, development or
5 redevelopment of the area as a public purpose and for public use, or the said
6 governing body may, by resolution, agree that a private corporation may
7 undertake such clearance, replanning, development or redevelopment in ac-
8 cordance with statutory authority and subject to the provisions of para-
9 graph 1, Section III, Article VIII, of the Constitution; *provided, however,*
10 that the power of eminent domain hereinbefore conferred upon the govern-
11 ing body of the municipality shall not be exercised to acquire, for any of the
12 purposes of this act, any property or interests in property owned or used
13 by any public utility (as defined in section 48:2-13 of the Revised Stat-
14 utes) in furnishing any commodity or service which by law it is authorized
15 to furnish:

1 11. If any plan for the clearance, replanning, development or redevel-
2 opment (hereinafter called the "plan") of a blighted area is undertaken as

3 provided for in section ten of this act, and such plan shall provide for the
4 closing or vacating of any street, avenue, highway, road, lane, alley or other
5 public place or way (hereinafter called "street") in, on, along or under
6 which is located any property owned or used by any public utility (as de-
7 fined in section 48:2-13 of the Revised Statutes) in furnishing any com-
8 modity or service which by law it is authorized to furnish, the governing
9 body of the municipality shall, by resolution, determine whether or not the
10 retention of such property in its then existing location will interfere with
11 the consummation of the plan.

12 If the governing body of the municipality shall so determine that the re-
13 tention of such property in such location will interfere with the consumma-
14 tion of such plan, the governing body shall make an order requiring the
15 public utility owning or using such property to remove or relocate such
16 property, and upon the receipt of such order such public utility shall re-
17 move or relocate such property in accordance with such order, and the cost
18 and expense of such removal or relocation, including the cost of installing
19 or replacing such property in a new location or new locations, and the cost
20 of any lands or any rights or interest in lands, and any other rights acquired
21 to accomplish such removal or relocation shall be paid by the municipality or
22 by the private corporation, as the case may be, as a part of the cost of the
23 plan. In case of the relocation of any such property, the public utility own-
24 ing or using the same, its successors and assigns, may maintain and operate
25 such property, with the necessary appurtenances, in the new location or
26 new locations, for as long a period and upon the same terms and conditions
27 as it had the right to maintain and operate such property in its former lo-
28 cation.

29 If the governing body of the municipality shall determine that the re-
30 tention of such property in such location will not interfere with the con-
31 summation of such plan, the governing body shall cause the proper officers
32 of such municipality to execute, acknowledge or prove, and deliver to such
33 public utility an instrument in writing, granting to such public utility the

34 right, privilege and authority to enter upon the lands which comprised such
35 street prior to its closing or vacation, for the purpose of maintaining, re-
36 pairing, renewing, replacing or removing any such property.

1 12. Nothing contained in this act shall be deemed to require the gov-
2 erning body of any municipality to proceed to an investigation and deter-
3 mination that an area is a blighted area, nor to limit, except as herein pro-
4 vided, the power of any municipality, or of any public or private corpora-
5 tion, or person from exercising any right conferred upon it, or him, by any
6 law of this State with respect to the acquisition of private property for the
7 clearance, replanning, development or redevelopment of blighted areas at
8 the time and in the manner provided by law.

1 13. If any provision of this act is held to be invalid, the remainder shall
2 not be affected thereby and each provision of this act shall be deemed to be
3 separable.

1 14. This act shall take effect July first, one thousand nine hundred and
2 forty-nine.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 350

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1949

By Mr. PIKE

Referred to Committee on Municipal Aid

AN ACT defining "blighted area," authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act, the term "blighted area" shall mean an area in
2 any municipality wherein there exists to a large extent:

3 (a) Buildings and structures which are unfit, unsanitary and unsafe for
4 human use and habitation by reason of age, physical deterioration, dilapida-
5 tion or obsolescence;

6 (b) Buildings and structures which are so situated and used as to have
7 therein more inhabitants than can be fitly and safely housed;

8 (c) Buildings and structures which have economically deteriorated and
9 where there is a disproportion between the cost of municipal services ren-
10 dered to the area as compared with the tax revenue derived therefrom; or

11 (d) A prevalence of factors conducive to ill health, transmission of dis-
12 ease, infant mortality, juvenile delinquency, crime and poverty.

1 2. The governing body of any municipality, by resolution, may provide
2 for a preliminary investigation of any area in the municipality to determine
3 whether such area is, or is not, a blighted area, as defined in this act. If
4 the municipality has a planning board created by ordinance, pursuant to the

5 provisions of article one of chapter fifty-five of Title 40 of the Revised Stat-
6 utes, the said resolution shall provide that the matter of such preliminary
7 investigation shall be referred to the said planning board, or if there is no
8 such planning board in the municipality, then the said resolution shall pro-
9 vide that the preliminary investigation shall be conducted by the govern-
10 ing body of the municipality.

1 3. Whenever such a resolution is adopted, the governing body, or the
2 planning board, as the case may be, shall first cause to be prepared a map
3 showing the boundaries of the area to be investigated and the location of
4 the various parcels of property included therein. There shall be appended
5 to the said map a statement setting forth the basis for the investigation.

1 4. The governing body or the planning board shall thereupon cause a
2 hearing to be held at an appointed time and place for the purpose of hear-
3 ing persons interested in, or who would be affected by, a determination that
4 the area is a blighted area, as defined in this act, and who favor or who
5 are against such a determination.

1 5. A notice of any such hearing shall be given setting forth the gen-
2 eral boundaries of the area to be investigated and stating that a map has
3 been prepared and can be inspected at the office of the clerk of the munici-
4 pality. A copy of such notice shall be published in a newspaper of general
5 circulation in the municipality once each week for two consecutive weeks, and
6 the last publication shall be not less than ten days prior to the date set for
7 the hearing. A copy of the notice shall be mailed at least ten days prior
8 to the date set for the hearing to the last owner, if any, of each parcel of
9 property within the area according to the assessment records of the munici-
10 pality. A notice shall also be sent to any and all persons at his, or their,
11 last known address, if any, whose names are noted on said assessment rec-
12 ords as claimants of an interest in any such parcel. The assessor of the
13 municipality shall make such a notation upon the said records when re-
14 quested so to do by any person claiming to have an interest in any parcel
15 of property in the municipality. The notice shall be published and mailed

16 by the clerk of the municipality, or by such clerk or official, as the govern-
17 ing body or planning board shall designate. Failure to mail any such notice
18 shall not invalidate the investigation or determination thereon.

1 6. At the hearing, which may be adjourned from time to time, the gov-
2 erning body, or planning board, as the case may be, shall hear all persons
3 interested in the investigation and shall consider any, and all, written ob-
4 jections that may be filed and any evidence which may be adduced in support
5 of the objections, or any opposition to a determination that the area is a
6 blighted area. After the hearing, the governing body, or planning board,
7 shall, by resolution, determine that the area or any part thereof is, or is
8 not, a blighted area, as defined in this act. A determination that the area
9 or any part thereof is a blighted area, if supported by substantial evidence,
10 shall be binding and conclusive upon all persons affected by the determina-
11 tion. If the determination is that the area or any part thereof is a blighted
12 area, the governing body or planning board, within ten days after such de-
13 termination, shall cause to be served a copy of the resolution upon each per-
14 son who filed a written objection prior to the hearing; *provided*, the address
15 of the objector was stated in, or upon, the written objection.

16 Such service may be made (a) by delivering a copy of the resolution
17 personally to the objector, (b) by mailing such copy addressed to the ob-
18 jector according to his said stated address, or (c) by leaving such copy at
19 said stated address for the objector with a person of suitable age and dis-
20 cretion.

1 7. Where the determination is made by a planning board, it shall be
2 subject to approval, disapproval or modification by the governing body of
3 the municipality. The determination shall be submitted by the planning
4 board to the governing body of the municipality in the form of a report
5 and final action thereon shall be taken by the said governing body within
6 thirty days after the submission of said report.

1 8. Where written objections shall have been filed and the determination
2 is that an area is a blighted area, no further proceedings shall be taken by

3 the governing body of the municipality upon such determination until thirty
 4 days shall have elapsed after such determination. If within said thirty-
 5 day period an action to review the determination is commenced in the Supe-
 6 rior Court, no further proceedings shall be taken by the said governing body
 7 upon such determination during the pendency of such action.

1 9. Any person who shall have filed such a written objection with the
 2 governing body, or planning board, as the case may be, may have a deter-
 3 mination that an area is a blighted area reviewed by the Superior Court
 4 of New Jersey by procedure in lieu of prerogative writs. An action for any
 5 such review shall be commenced within thirty days after the determination
 6 by the governing body of the municipality, either in the first instance, or
 7 by final action upon a report by a planning board. In any such action, the
 8 said court may make any incidental order that shall be deemed by the court
 9 to be proper.

1 10. If the determination is that an area is a blighted area, the gov-
 2 erning body of the municipality may, but shall not be required to, acquire
 3 the real property within the area by purchase, or by eminent domain pro-
 4 ceedings, and may proceed with the clearance, replanning, development or
 5 redevelopment of the area as a public purpose and for public use, or the said
 6 governing body may, by resolution, agree that a private corporation may
 7 undertake such clearance, replanning, development or redevelopment in ac-
 8 cordance with statutory authority and subject to the provisions of para-
 9 graph 1, Section III, Article VIII, of the Constitution; *provided, however,*
 10 that the power of eminent domain hereinbefore conferred upon the govern-
 11 ing body of the municipality shall not be exercised to acquire, for any of the
 12 purposes of this act, any property or interests in property owned or used
 13 by any public utility (as defined in section 48:2-13 of the Revised Stat-
 14 utes) in furnishing any commodity or service which by law it is authorized
 15 to furnish.

1 11. If any plan for the clearance, replanning, development or redevel-
 2 opment (hereinafter called the "plan") of a blighted area is undertaken as

3 provided for in section ten of this act, and such plan shall provide for the
4 closing or vacating of any street, avenue, highway, road, lane, alley or other
5 public place or way (hereinafter called "street") in, on, along or under
6 which is located any property owned or used by any public utility (as de-
7 fined in section 48:2-13 of the Revised Statutes) or by any common carrier,
8 in furnishing any commodity or service which by law it is authorized to fur-
9 nish, the governing body of the municipality shall, by resolution, determine
10 whether or not the retention of such property in its then existing location
11 will interfere with the consummation of the plan.

12 If the governing body of the municipality shall so determine that the re-
13 tention of such property in such location will interfere with the consumma-
14 tion of such plan, the governing body shall make an order requiring the
15 public utility or common carrier owning or using such property to remove,
16 reconstruct, alter or relocate such property, and upon the receipt of such
17 order such public utility or common carrier shall remove, reconstruct, alter
18 or relocate such property in accordance with such order, and the cost and
19 expense of such removal, reconstruction, alteration or relocation, including
20 the cost of installing or replacing such property in a new location or new
21 locations, and the cost of any lands or any rights or interest in lands, and any
22 other rights acquired to accomplish such removal, reconstruction, alteration
23 or relocation shall be paid by the municipality or by the private corpora-
24 tion, as the case may be, as a part of the cost of the plan. In case of the re-
25 location of any such property, the public utility or common carrier owning
26 or using the same, its successors and assigns, may maintain and operate such
27 property, with the necessary appurtenances, in the new location or new
28A locations, for as long a period and upon the same terms and conditions as it
28B had the right to maintain and operate such property in its former location.

29 If the governing body of the municipality shall determine that the re-
30 tention of such property in such location will not interfere with the con-
31 summation of such plan, the governing body shall cause the proper officers
32 of such municipality to execute, acknowledge or prove, and deliver to such

33 public utility or common carrier an instrument in writing, granting to such
34 public utility or common carrier the right, privilege and authority to enter
35 upon the lands which comprised such street prior to its closing or vacation,
36 for the purpose of maintaining, repairing, renewing, replacing, reconstruct-
37 ing, altering or removing any such property.

1 12. Nothing contained in this act shall be deemed to require the gov-
2 erning body of any municipality to proceed to an investigation and deter-
3 mination that an area is a blighted area, nor to limit, except as herein pro-
4 vided, the power of any municipality, or of any public or private corpora-
5 tion, or person from exercising any right conferred upon it, or him, by any
6 law of this State with respect to the acquisition of private property for the
7 clearance, replanning, development or redevelopment of blighted areas at
8 the time and in the manner provided by law.

1 13. If any provision of this act is held to be invalid, the remainder shall
2 not be affected thereby and each provision of this act shall be deemed to be
3 separable.

1 14. This act shall take effect July first, one thousand nine hundred and
2 forty-nine.

nd
ts
ch
on
re
e-
lg
e-
as
n,
on

ASSEMBLY, No. 529

STATE OF NEW JERSEY

INTRODUCED MARCH 5, 1951

By Mr. JOYA

Referred to Committee on Housing

AN ACT to amend an act entitled "An act defining 'blighted area,' authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas," approved May twenty-ninth, one thousand nine hundred and forty-nine (P. L. 1949, c. 187).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section one of the act of which this act is amendatory is amended to
2 read as follows:

3 1. As used in this act, the term "blighted area" shall mean an area in any
4 municipality wherein there exists [to a large extent] any of the conditions
5 hereinafter enumerated:

6 [(a.) Buildings and structures which are unfit, unsanitary and unsafe
7 for human use and habitation by reason of age, physical deterioration, dilapi-
8 dation or obsolescence;

9 (b.) Buildings and structures which are so situated and used as to have
10 therein more inhabitants than can be fitly and safely housed;

11 (c.) Buildings and structures which have economically deteriorated and
12 where there is a disproportion between the cost of municipal services ren-
13 dered to the area as compared with the tax revenue derived therefrom; or

14 (d.) A prevalence of factors conducive to ill health, transmission of
15 disease, infant mortality, juvenile delinquency, crime and poverty.】

16 (a) The generality of buildings used as dwellings or the dwelling accom-
17 modations therein are substandard, unsafe, insanitary, dilapidated, or obso-
18 lescent, or possess any of such characteristics, or are so lacking in light, air,
19 or space, as to be conducive to unwholesome living;

20 (b) The discontinuance of the use of buildings previously used for manu-
21 facturing or industrial purposes, the abandonment of such buildings or the
22 same being allowed to fall into so great a state of disrepair as to be un-
23 tenantable;

24 (c) Unimproved vacant land, which has remained so for a period of ten
25 years prior to the determination hereinafter referred to, and which land by
26 reason of its location, or remoteness from developed sections or portions of
27 such municipality, or lack of means of access to such other parts thereof, or
28 topography, or nature of the soil, is not likely to be developed through the
29 instrumentality of private capital;

30 (d) Areas (including slum areas), with buildings or improvements which
31 by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or
32 design, lack of ventilation, light and sanitary facilities, excessive land cover-
33 age, deleterious land use or obsolete layout, or any combination of these or
34 other factors, are detrimental to the safety, health, morals, or welfare of
35 the community;

36 (e) A growing or total lack of proper utilization of areas caused by the
37 condition of the title, diverse ownership of the real property therein and
38 other conditions, resulting in a stagnant and unproductive condition of land
39 potentially useful and valuable for contributing to and serving the public
40 health, safety and welfare.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to make uniform the definition of "blighted area" as given in the act which this bill amends, in the Local Housing Authorities Law (P. L. 1949, c. 300), and in the Redevelopment Agencies Law (P. L. 1949, c. 306).

sion of

accom-

r obso-

ght, air,

r manu-

or the

be un-

d of ten

land by

tions of

reof, or

ugh the

ts which

ment or

d cover-

these or

lfare of

d by the

rein and

of land

e public

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 529

STATE OF NEW JERSEY

INTRODUCED MARCH 5, 1951

By Mr. JOYA

Referred to Committee on Housing

AN ACT to amend an act entitled "An act defining 'blighted area,' authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas," approved May twenty-ninth, one thousand nine hundred and forty-nine (P. L. 1949, c. 187).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section one of the act of which this act is amendatory is amended to
2 read as follows:

3 1. As used in this act, the term "blighted area" shall mean an area in any
4 municipality wherein there exists any of the conditions hereinafter enumer-
5 ated:

6-16 (a) The generality of buildings used as dwellings or the dwelling accom-
17 modations therein are substandard, unsafe, insanitary, dilapidated, or obso-
18 lescent, or possess any of such characteristics, or are so lacking in light, air,
19 or space, as to be conducive to unwholesome living;

20 (b) The discontinuance of the use of buildings previously used for manu-
21 facturing or industrial purposes, the abandonment of such buildings or the
22 same being allowed to fall into so great a state of disrepair as to be un-
23 tenantable;

24 (c) Unimproved vacant land, which has remained so for a period of ten
 25 years prior to the determination hereinafter referred to, and which land by
 26 reason of its location, or remoteness from developed sections or portions of
 27 such municipality, or lack of means of access to such other parts thereof, or
 28 topography, or nature of the soil, is not likely to be developed through the
 29 instrumentality of private capital;

30 (d) Areas (including slum areas), with buildings or improvements which
 31 by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or
 32 design, lack of ventilation, light and sanitary facilities, excessive land cover-
 33 age, deleterious land use or obsolete layout, or any combination of these or
 34 other factors, are detrimental to the safety, health, morals, or welfare of
 35 the community;

36 (e) A growing or total lack of proper utilization of areas caused by the
 37 condition of the title, diverse ownership of the real property therein and
 38 other conditions, resulting in a stagnant and unproductive condition of land
 39 potentially useful and valuable for contributing to and serving the public
 40 health, safety and welfare.

1 2. This act shall take effect immediately.

S

An

1

2

1

2

3

4

5

6

7

8

9

10

1

2

3

4

5

CHAPTER 217 LAWS OF N. J. 1967

APPROVED 10-10-67

ASSEMBLY, No. 347

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1967

By Assemblymen TANZMAN, WILENTZ and SEARS

Referred to Committee on County and Municipal Government

AN ACT to amend "An act defining 'blighted area,' authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas," approved May 21, 1949 (P. L. 1949, c. 187).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 10 of the act of which this act is amendatory is amended to
2 read as follows:

3 10. If the determination is that an area is a blighted area, the govern-
4 ing body of the municipality may, but shall not be required to, acquire the real
5 property within the area by purchase, or by eminent domain proceedings,
6 and may proceed with the clearance, replanning, development or redevelop-
7 ment of the area as a public purpose and for public use, or the said govern-
8 ing body may, by resolution, agree that a private corporation may undertake
9 such clearance, replanning, development or redevelopment in accordance with
10 statutory authority and subject to the provisions of paragraph 1, Section III,
11 Article VIII, of the Constitution; provided, however, that the power of
12 eminent domain hereinbefore conferred upon the governing body of the mu-
13 nicipality shall not be exercised to acquire, for any of the purposes of this act,
14 any property or interests in property owned or used by any public utility
15 (as defined in section 48:2-13 of the Revised Statutes) in furnishing any
16 commodity or service which by law it is authorized to furnish; *and provided*
17 *further, however, that in any eminent domain proceeding instituted by virtue*
18 *of the power hereinbefore conferred, the value of any property sought to be*
19 *acquired shall be fixed and determined to be no less than the value as of the*
20 *date of the declaration of blight by the governing body either in the first in-*
21 *stance or the date of final action by the governing body upon a report by a*
22 *planning board.*

1 2. This act shall take effect immediately.