

20:1-36

August 19, 1969

LEGISLATIVE HISTORY OF R.S. 20:1-36
(Condemnation by a housing authority)

- K. 1938, chapter 21 - A58
 - January 24 - Introduced by Wilensky.
 - February 23 - Passed in Assembly.
 - February 28 - Passed in Senate.
 - March 3 - Approved, Chapter 21.
 - Not amended during passage.

COPY NO. 2

Statement; copy enclosed.

The above law was amended by the following two laws:

- L. 1951, chapter 150 - S248
 - March 7 - Introduced by Clapp.
 - March 19 - Passed in Senate.
 - May 2 - Passed in Assembly.
 - June 1 - Approved, Chapter 150
 - Not amended during passage.

Statement; copy enclosed.

- L. 1953, chapter 20 - S17
 - Not amended during passage.
 - No statement on bill. a copy of the part of S17 that amends this section is attached.

We have no clippings dating back to the enactment of these laws.

No hearings or reports were located.

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ASSEMBLY, No. 98

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1938

By Mr. WILENSKY

Referred to Committee on Housing

AN Act concerning eminent domain amending section 20:1-30 of the Revised Statutes, and adding a new section 20:1-36.

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

1 1. That section 20:1-30 of the Revised Statutes be amended to read as
2 follows:

3 20:1-30. Abandonment of condemnation proceedings. Any proceeding
4 to condemn heretofore or hereafter taken under this chapter may be
5 abandoned at any time before the filing of the report of the commissioners,
6 or at any time within twenty days after filing of the report of the commis-
7 sioners, or if the issues shall be tried by jury within twenty days after the
8 rendering of the verdict of the jury, upon payment to the owners and other
9 parties who have appeared before the commissioners or the jury of their
10 reasonable costs, expenses and counsel fees to be determined by a justice of
11 the Supreme Court or judge of the Circuit Court, and upon filing a dis-
12 charge of the lien of the notice of lis pendens; provided, that any proceedings
13 to condemn heretofore or hereafter taken under this act by a housing
14 authority may be abandoned prior but not subsequent to the vesting of title
15 to the property in the housing authority.

1 2. That a new section be added to the Revised Statutes to be known as:
2 section 20:1-36.

3 20:1-36. Condemnation by a housing authority. At any time on or after
4 the filing of a petition by a housing authority, and before the entry of final
5 judgment, such housing authority may file with the clerk of the court in
6 which the petition is filed, a declaration of taking signed by the duly
7 authorized officer or agent of the housing authority declaring that all or
8 any part of the property described in the petition is being taken for the
9 use of the housing authority. The said declaration of taking shall be sufficient
10 if it sets forth: (1) a description of the property, sufficient for the identifica-
11 tion thereof, to which there may be attached a plan or map thereof; (2) a
12 statement of the estate or interest in said property being taken; (3) a
13 statement of the sum of money estimated by the housing authority to be
14 just compensation for the property taken; which sum shall be not less than
15 the last assessed valuation for tax purposes of the estate or interest in the
16 property to be taken.

17 From the filing of the said declaration of taking and the deposit in court
18 to the use of the persons entitled thereto of the amount of the estimated
19 compensation stated in said declaration, title to the property described as
20 being taken by said declaration shall vest in the housing authority (free from
21 the right, title, interest or lien of all persons), and said property shall be
22 deemed to be condemned and taken for the use of the housing authority
23 and the right to just compensation for the same shall vest in the persons
24 entitled thereto. Upon the filing of the declaration of taking, the court shall
25 designate a day (not exceeding twenty days after such filing, except upon
26 good cause shown) on which the persons in possession shall be required to
27 surrender possession to the authority.

28 The ultimate amount of compensation shall be determined pursuant to
29 the preceding sections of this act. If the amount so fixed shall exceed the
30 amount so deposited in court by the housing authority or otherwise paid to
31 the persons entitled thereto, the court shall enter judgment against the
32 housing authority in the amount of such deficiency, together with interest
33 at the legal rate on such deficiency from the date of the vesting of title to

34 the date of the entry of the final judgment (subject, however, to abatement
35 for use, income, rents or profits derived from such property by the owner
36 thereof subsequent to the vesting of title in the housing authority), and the
37 court shall order the authority to deposit the amount of such deficiency in
38 court. The money deposited into court by an authority shall be secured in
39 such manner as may be directed by the court and shall be disbursed by the
40 court to the persons found to be entitled thereto by the final award or judg-
41 ment of the court. In case the amount deposited in court by the authority
42 as the estimated compensation for the property shall exceed the amount of
43 the final award or judgment, such excess shall be returned to the authority.

44 Except as hereinabove provided with reference to the declaration of
45 taking, the eminent domain proceedings applicable to a housing authority
46 shall not be altered by this section.

1 3. This act shall take effect immediately.

STATEMENT

The right of eminent domain to housing authorities is necessary in order to effectuate the purposes of the slum clearance and low rent housing program. The housing authorities must be vested with the power to acquire property necessary for this program at a fair price and without delay. This bill is necessary to meet the requirements of the United States Housing Authority.

SENATE, No. 248

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1951

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning eminent domain, amending section 20:1-36 added to the Revised Statutes by chapter twenty-one of the laws of one thousand nine hundred and thirty-eight.

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

1 1. Section 20:1-36 added to the Revised Statutes by chapter twenty-one
2 of the laws of one thousand nine hundred and thirty-eight is amended to read
3 as follows:

4 20:1-36. [Condemnation by a housing authority.] [At any time on]
5 On the filing of a petition or after the filing of such a petition by a housing
6 authority [,] or redevelopment agency, and before the entry of final judg-
7 ment, such housing authority or redevelopment agency may file with the
8 clerk of the court in which the petition is filed, a declaration of taking signed
9 by the duly authorized officer or agent of the housing authority or redevel-
10 opment agency declaring that all or any part of the property described in the
11 petition is being taken for the use of the housing authority or redevelopment
12 agency. The said declaration of taking shall be sufficient if it sets forth: (1)
13 a description of the property, sufficient for the identification thereof, to
14 which there may be attached a plan or map thereof; (2) a statement of the
15 estate or interest in said property being taken; (3) a statement of the sum
16 of money estimated by the housing authority or redevelopment agency to be

17 just compensation for the property taken; which sum shall be not less than
18 the last assessed valuation for tax purposes of the estates or interest in the
19 property to be taken.

20 From the filing of the said declaration of taking and the deposit in
21 court to the use of the persons entitled thereto of the amount of the esti-
22 mated compensation stated in said declaration, title to the property de-
23 scribed as being taken by said declaration shall vest in the housing authority
24 or redevelopment agency (free from the right, title, interest of lien of all
25 persons), and said property shall be deemed to be condemned and taken
26 for the use of the housing authority or redevelopment agency and the right to
27 just compensation for the same shall vest in the persons entitled thereto.
28 Upon the filing of the declaration of taking, the court shall designate a day
29 (not exceeding twenty days after such filing, except upon good cause shown),
30 on which the persons in possession shall be required to surrender possession
31 to the housing authority or redevelopment agency.

32 The ultimate amount of compensation shall be determined pursuant to
33 the preceding sections of this act. If the amount so fixed shall exceed the
34 amount so deposited in court by the housing authority or redevelopment
35 agency or otherwise paid to the persons entitled thereto, the court shall
36 enter judgment against the housing authority or redevelopment agency in
37 the amount of such deficiency, together with interest at the legal rate on such
38 deficiency from the date of the vesting of title to the date of the entry of
39 the final judgment (subject, however, to abatement for use, income, rents or
40 profits derived from such property by the owner thereof subsequent to the
41 vesting of title in the housing authority or redevelopment agency), and the
42 court shall order the authority to deposit the amount of such deficiency in
43 court. The money deposited into court by **[an]** a housing authority or re-
44 development agency shall be secured in such manner as may be directed by
45 the court and shall be disbursed by the court to the persons found to be en-
46 titled thereto by the final award or judgment of the court. In case the

47 amount deposited in court by the housing authority or redevelopment agency
48 as the estimated compensation for the property shall exceed the amount of
49 the final award or judgment, such excess shall be returned to the housing
50 authority or redevelopment agency.

51 Except as [hereinabove] herein provided [with reference to the
52 declaration of taking, the] eminent domain proceedings applicable to a hous-
53 ing authority or redevelopment agency shall not be altered by this section.

1 2. This act shall take effect immediately.

STATEMENT

This bill amends the present condemnation law in connection with hous-
ing authorities to include redevelopment agencies.

4 20:1-36. On or at any time after the institution of an action by a hous-
5 ing authority or redevelopment agency for the condemnation of property,
6 such housing authority or redevelopment agency may file with the Clerk of
7 the Superior Court, a declaration of taking signed by the duly authorized
8 officer or agent of the housing authority or redevelopment agency declaring
9 that all or any part of such property is being taken for the use
9A of the housing authority or redevelopment agency. The said declara-
10 tion of taking shall be sufficient if it sets forth: (1) a description of the
11 property, sufficient for the identification thereof, to which there may be
12 attached a plan or map thereof; (2) a statement of the estate or interest in
13 said property being taken; (3) a statement of the sum of money estimated by
14 the housing authority or redevelopment agency to be just compensation for
15 the property taken; which sum shall be not less than the last assessed valuation
16 for tax purposes of the estate or interest in the property to be taken.

17 From the filing of the said declaration of taking and the deposit in court
18 to the use of the persons entitled thereto of the amount of the estimated
19 compensation stated in said declaration, title to the property described as
20 being taken by said declaration shall vest in the housing authority or re-
21 development agency (free from the right, title, interest or lien of all persons),
22 and said property shall be deemed to be condemned and taken for the use
23 of the housing authority or redevelopment agency and the right to just com-
24 pensation for the same shall vest in the persons entitled thereto. Upon the
25 filing of the declaration of taking, the court shall designate a day (not exceed-
26 ing twenty days after such filing, except upon good cause shown), on which
27 the persons in possession shall be required to surrender possession to the
28 housing authority or redevelopment agency.

29 The ultimate amount of compensation shall be determined pursuant to
30 Title 20 of the Revised Statutes. If the amount so fixed shall exceed the
31 amount so deposited in court by the housing authority or redevelopment
32 agency or otherwise paid to the persons entitled thereto, the court shall enter
33 judgment against the housing authority or redevelopment agency in the

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34 amount of such deficiency, together with interest at the legal rate on such
35 deficiency from the date of the vesting of title to the date of the entry of
36 the final judgment (subject, however, to abatement for use, income, rents or
37 profits derived from such property by the owner thereof subsequent to the
38 vesting of title in the housing authority or redevelopment agency), and the
39 court shall order the authority to deposit the amount of such deficiency in
40 court. The money deposited into court by a housing authority or redevelop-
41 ment agency shall be secured in such manner as may be directed by the
42 court and shall be disbursed according to the order or judgment of the court
43 to the persons found to be entitled thereto by the final award or judgment
44 of the court. In case the amount deposited in court by the housing author-
45 ity or redevelopment agency as the estimated compensation for the property
46 shall exceed the amount of the final award or judgment, such excess shall
47 be returned to the housing authority or redevelopment agency.

48 Except as herein provided, eminent domain proceedings and actions ap-
49 plicable to a housing authority or redevelopment agency shall not be altered
50 by this section.

1 45. This act shall take effect July first, one thousand nine hundred and
2 fifty-three.