

40:48-2.3

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 40:48-2.3 (Buildings in disrepair-- allow municipalities to repair or demolish)

**LAWS OF:** 1989 **CHAPTER:** 91

**BILL NO:** A1355

**SPONSOR(S):** Ogden

**Date Introduced:** Pre-filed

**Committee:** **Assembly:** Community Development and Urban Affairs  
**Senate:** County and Municipal Government

**Amended during passage:** No

**Date of Passage:** **Assembly:** June 13, 1988  
**Senate:** May 1, 1989

**Date of Approval:** June 7, 1989

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

RDV

P.L.1989, CHAPTER 91, *approved June 7, 1989*

1988 Assembly No. 1355

1 **AN ACT** concerning the repair or demolition of certain buildings  
or parts thereof by a municipality, and supplementing P.L.  
3 1942, c. 112 (C. 40:48-2.3 et seq.).

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

7 1. Any building or buildings, or parts thereof, which have  
been damaged to such an extent that nothing remains but the  
9 walls, or parts of the walls and other supports, shall, regardless  
of the safety and sturdiness of those remaining walls or parts  
11 thereof, be deemed inimical to the welfare of the residents of  
the municipality wherein it is located, and the municipality may  
13 exercise its police powers to repair, demolish, or cause the  
repairing or demolishing of the building or buildings, or parts  
15 thereof, pursuant to P.L. 1942, c. 112 (C. 40:48-2.3 et seq.), and  
the procedures set forth therein.

17 2. This act shall take effect immediately.

19

**MUNICIPALITIES**

21

**Municipal Development**

23 **Allows a municipality to repair or demolish the remains of a**  
**building, and charge the owner therefor, under certain**  
25 **circumstances.**

ASSEMBLY, No. 1355

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman OGDEN

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STATEMENT

21

This bill would allow a municipality to repair or demolish a  
23 building or part of a building that has been damaged to such an  
extent that nothing remains but the walls or parts of the walls  
25 and other supports, even though the remaining walls or parts  
thereof are themselves safe and sturdy and not a danger to  
27 health or safety. The procedure to be followed by the  
municipality would be as set out in P. L. 1942, c. 112 (C.  
29 40:48-2.3 et seq.).

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ASSEMBLY COMMUNITY DEVELOPMENT AND  
URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1355

STATE OF NEW JERSEY

DATED: JANUARY 25, 1988

The Assembly Community Development and Urban Affairs Committee favorably reports Assembly Bill No. 1355.

This bill would allow a municipality to repair or demolish a building or part of a building that has been damaged to such an extent that nothing remains but the walls or parts of the walls and other supports, even though the remaining walls or parts thereof are themselves safe and sturdy and not a danger to health or safety. The procedure to be followed by the municipality would be as set out in P.L. 1942, c. 112 (C. 40:48-2.3 et seq.).

Under present law a municipality may not use its police power to repair or demolish a damaged building unless the building is found to be unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the municipality. This bill describes a particular circumstance, the existence of which shall be deemed inimical to the welfare of the residents of the municipality, thereby empowering the municipality to act to repair or demolish the building.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes changes required by technical review which has been performed.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1355

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1989

The Senate County and Municipal Government Committee favorably reports Assembly Bill No. 1355.

Assembly Bill No. 1355 would allow a municipality to repair or demolish a building or part of a building that has been damaged to such an extent that nothing remains but the walls or parts of the walls and other supports, even though the remaining walls or parts thereof are themselves safe and sturdy and not a danger to health or safety. The procedure to be followed by the municipality would be as set out in P.L.1942, c.112 (C.40:48-2.3 et seq.).

Briefly, this procedure is as follows: In order to gain the authority to address the building conditions described above, a municipality must make a finding that those building conditions exist, by resolution. In so doing, a municipality gains the authority to adopt an ordinance in order to address the building conditions which are the subject of the finding. Such an ordinance shall include provisions for the designation of a public officer to exercise the powers described by the ordinance and for an investigation of building conditions to be performed by that officer upon the petition of at least five residents of the municipality that the building is unfit for human habitation, occupancy or use. The ordinance includes detailed provisions regarding the notice that must be provided to an owner of an offending structure and the procedures that a public officer must follow in remedying the situation, at the owner's expense.

Under current law a municipality may not use its police power to repair or demolish a damaged building unless the building is found to be unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the municipality. This bill describes a particular circumstance, the existence of which shall be deemed inimical to the welfare of the residents of the municipality, thereby empowering the municipality to act to repair or demolish the building.