

18A: 20-9
LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:20-9 (Homeless-- allow Boards of Education to provide shelters)

CHAPTER 65

Laws Of: 1987

Bill No: S742

Sponsor(s): Costa

Date Introduced: Pre-filed

Committee: **Assembly:** Education

Senate: Education

Amended during passage: Yes according to Governor's recommendations

Amendments denoted by asterisks

Date of Passage: **Assembly:** October 20, 1986 Re-enacted 3-9-87

Senate: June 30, 1986 Re-enacted 1-22-87

Date of Approval: March 11, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: NO

974.90 New Jersey. Governor's Task Force on the Homeless
H842 Report . . . Oct. 7, 1983.
1983K (see especially p.26)

For background see:

97490 New Jersey. State Legislature. General Assembly.
H842 Housing and Urban policy Committee.
1983e Public hearing on emergency provisions for the homeless... March 31, 1983.
Trenton, 1983.

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SENATE, No. 742**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator COSTA

AN ACT concerning boards of education and amending
N. J. S. 18A:20-9.

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

1 1. N. J. S. 18A:20-9 is amended to read as follows:

2 18A:20-9. Whenever any board of education shall by resolution
3 determine that any tract of land is no longer desirable or necessary
4 for school purposes it may authorize the conveyance thereof,
5 whether there is a building thereon or not, for a nominal considera-
6 tion, to the municipality or any board, body or commission thereof,
7 or to any volunteer fire company or rescue squad actively engaged
8 in the protection of life and property and duly incorporated under
9 the laws of the State of New Jersey, or to any American Legion
10 post, Veterans of Foreign Wars, or other recognized veterans'
11 organization of the United States of America, located in the mu-
12 nicipality or the county, as a meeting place for such organization,
13 or to a nonprofit child care service organization duly incorporated
14 under the laws of the State of New Jersey, **[or]** to a nonprofit
15 hospital duly licensed under the laws of the State, *or to a nonprofit*
16 *organization duly licensed under the laws of the State of New*
17 *Jersey to provide emergency shelter for the homeless.* The presi-
18 dent and secretary of the board shall be authorized to execute and
19 deliver a conveyance for the same in the name and under the seal of
20 the board, which conveyance may, in the discretion of the board, be
21 made subject to a condition or limitation that said land shall be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate amendments adopted in accordance with Governor's recommen-
dations December 15, 1986.

22 used by such municipality, board, body or commission thereof for
 23 public purposes and by any such fire company for fire company
 24 purposes or by such rescue squad for rescue squad purposes [and
 25 in such case should such property cease to be used for such pur-
 26 poses or if any property conveyed pursuant to this section] or to
 27 any veterans' organization, or to any child care service organiza-
 28 tion, or to any nonprofit hospital, *or to any provider of emergency*
 29 *shelter for the homeless and in the event that the property shall*
 30 *cease to be used for any of the purposes contemplated by this*
 31 *section, such property shall thereupon revert to and the title thereof*
 32 *shall vest in the board of education making the conveyance thereof*
 33 *hereunder.*

1 *2. Section 1 of P. L. 1978, c. 91 (C. 18A:20-8.2) is amended
 2 as follows:

3 1. a. Whenever any board of education shall by resolution
 4 determine that any tract of land, whether there is a building
 5 thereon or not, or part or all of a school building, is not necessary
 6 for school purposes, but which it does not desire to dispose of for
 7 reason that the property may, at some future time, again be
 8 required for school purposes, it may authorize the lease thereof
 9 for a term extending beyond the official life of the board; provided
 10 that the noneducational uses of such building or tract of land are
 11 compatible with the establishment and operation of a school, as
 12 determined by the Commissioner of Education, if joint occupancy
 13 of such site is considered. The lease shall be binding upon the
 14 successor board as follows:

15 (1) After advertisement of the request for bids to lease to the
 16 highest bidder in a newspaper published in the school district, or,
 17 if none is published therein, then in a newspaper circulating in
 18 the district in which the same is situate, at least once a week for
 19 two weeks prior to the date fixed for the receipt and opening of
 20 bids, unless:

21 (2) The same is leased to the federal government, State, a
 22 political subdivision thereof, another school district, [or] any
 23 board, body or commission of a municipality within the school
 24 district, *any volunteer fire company or rescue squad actively en-*
 25 *gaged in the protection of life and property and duly incorporated*
 26 *under the laws of the State of New Jersey, or to any American*
 27 *Legion post, Veterans of Foreign Wars, or other recognized*
 28 *veterans' organization of the United States of America, located in*
 29 *the municipality or the county, as a meeting place for such orga-*
 30 *nization, or to a nonprofit child care service organization duly in-*
 31 *corporated under the laws of the State of New Jersey, or to a*

32 *nonprofit hospital duly licensed under the laws of the State of*
33 *New Jersey, or to a nonprofit organization duly licensed under*
34 *the laws of the State of New Jersey to provide emergency shelter*
35 *for the homeless, in which case the same may be leased by private*
36 *agreement for a nominal fee without advertisement for bids.*

37 b. Any lease in excess of five years shall be approved by the
38 Commissioner of Education.*

1 ***[2.]*** *3.* This act shall take effect immediately.

EDUCATION—GENERAL

Authorizes boards of education to convey or lease, for a nominal
fee, real property to certain nonprofit organizations.

SENATE, No. 742

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator COSTA

SENATE, No. 3328

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 9, 1985

By Senators COSTA, O'CONNOR, RAND, PALLONE,
DUMONT and FELDMAN

Referred to Committee on Education

AN ACT concerning boards of education and amending
N. J. S. 18A :20-9.

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

1 1. N. J. S. 18A :20-9 is amended to read as follows:

2 18A :20-9. Whenever any board of education shall by resolution
3 determine that any tract of land is no longer desirable or necessary
4 for school purposes it may authorize the conveyance thereof,
5 whether there is a building thereon or not, for a nominal considera-
6 tion, to the municipality or any board, body or commission thereof,
7 or to any volunteer fire company or rescue squad actively engaged
8 in the protection of life and property and duly incorporated under
9 the laws of the State of New Jersey, or to any American Legion
10 post, Veterans of Foreign Wars, or other recognized veterans'
11 organization of the United States of America, located in the mu-
12 nicipality or the county, as a meeting place for such organization,
13 or to a nonprofit child care service organization duly incorporated
14 under the laws of the State of New Jersey, **[or]** to a nonprofit
15 hospital duly licensed under the laws of the State, *or to a nonprofit*
16 *organization duly licensed under the laws of the State of New*
17 *Jersey to provide emergency shelter for the homeless.* The presi-
18 dent and secretary of the board shall be authorized to execute and
19 deliver a conveyance for the same in the name and under the seal of
20 the board, which conveyance may, in the discretion of the board, be
21 made subject to a condition or limitation that said land shall be

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

22 used by such municipality, board, body or commission thereof for
23 public purposes and by any such fire company for fire company
24 purposes or by such rescue squad for rescue squad purposes [and
25 in such case should such property cease to be used for such pur-
26 poses or if any property conveyed pursuant to this section] or to
27 any veterans' organization, or to any child care service organiza-
28 tion, or to any nonprofit hospital, *or to any provider of emergency*
29 *shelter for the homeless and in the event that the property shall*
30 cease to be used for any of the purposes contemplated by this
31 section, such property shall thereupon revert to and the title thereof
32 shall vest in the board of education making the conveyance thereof
33 hereunder.

1 2. This act shall take effect immediately.

STATEMENT

Under current law, boards of education may authorize the conveyance of real property for a nominal consideration, when the property is no longer necessary for school purposes, to the municipality, volunteer fire companies, rescue squads, veterans' organizations, nonprofit child care service organizations or nonprofit hospitals.

This bill would amend N. J. S. 18A:20-9 to authorize such sales to nonprofit organizations duly licensed to provide emergency shelter for the homeless.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 742

STATE OF NEW JERSEY

DATED: SEPTEMBER 18, 1986

The Assembly Education Committee favorably reports this bill.

This bill authorizes a board of education to convey, for a nominal fee, unneeded real property to a nonprofit organization authorized to provide emergency shelter to the homeless.

Under current law, boards may convey property to the municipality, volunteer fire companies, rescue squads, veteran's organizations or nonprofit hospitals. In addition, the board may lease for a nominal fee all or a part of unneeded property to the federal government, the State, another school district or any local governmental authority within the boundaries of the school district (N. J. S. 18A:20-8.2).

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 742

STATE OF NEW JERSEY

DATED: JUNE 19, 1986

The Senate Education Committee favorably reports Senate Bill No. 742 without amendment.

This bill authorizes a board of education to convey, for a nominal fee, unneeded real property to a nonprofit organization authorized to provide emergency shelter to the homeless.

Under current law, boards may convey property to the municipality, volunteer fire companies, rescue squads, veteran's organizations, nonprofit child care service organizations or nonprofit hospitals. In addition, the board may lease for a nominal fee all or a part of unneeded property to the federal government, the State, another school district or any local governmental authority within the boundaries of the school district (N. J. S. A. 18A:20-8.2).

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 3, 1986

SENATE BILL NO. 742

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Senate Bill No. 742 with my objections, for reconsideration.

The purpose of this bill is to authorize local boards of education to convey for a nominal consideration school land and buildings when the property is no longer necessary for school purposes, to nonprofit organizations duly licensed to provide emergency shelter for the homeless. Local boards of education already possess this authority under P.L. 1977, c. 447 (C. 18A:20-9) with regard to conveyances of unnecessary school property to the municipality, volunteer fire companies, rescue squads, veteran's organizations, nonprofit child care service organizations or nonprofit hospitals. Under this statute, it is only if the conveyed property ceases to be used for the purposes for which the organization holding title was established, that the property would revert to, and title vest in, the local board of education which made the original conveyance.

I understand and support a local school district's desire to make its unnecessary school land and buildings available for use by the philanthropic entities identified in Section 1 of P.L. 1977, c. 447. However, in view of the fact that projections of student enrollment in New Jersey indicate an upward swing in our student population through 1995 and continuing thereafter, I believe it to be unwise public policy to not provide local school districts with the ability to reclaim school land or a school building in the future in the event the property is again needed. In view of the urgent problem throughout the State for adequate school facilities, it seems unwise and shortsighted to encourage districts to convey property for nominal cost instead of leasing unnecessary property to the types of organizations identified in Section 1 of P.L. 1977, c. 447.

I recognize that there may be appropriate circumstances when an outright conveyance of unnecessary school property is the appropriate course of action. It is my strong preference, however, that such property instead be leased to deserving organizations such as those identified in P.L. 1977, c. 447 when school districts need to use the land or buildings. Local school

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districts are currently authorized pursuant to Section 1 of P.L. 1978, c. 91 (C. 18A:20-8.2), to lease unnecessary school land and buildings for a nominal consideration and without the necessity of advertising for bids to the Federal Government, the State, a political subdivision, another school district or any board, body or commission of a municipality within the school district.

I agree with the Legislature that nonprofit organizations providing shelter for the homeless deserve to be included among the organizations which can obtain the use of unnecessary school property for a nominal fee. However, I believe that the preferred course of action by local school districts should be to lease unnecessary property for a nominal fee, without the advertisement for bids, to these deserving organizations. Conveyance of unneeded school property is only one-half of the authority which school districts need to make appropriate policy decisions regarding its unnecessary school land and buildings. Accordingly, I am recommending that the Legislature also amend Section 1 of P.L. 1978, c. 91 to authorize local school districts to lease unnecessary land or school buildings to these organizations. Therefore, I herewith return Senate Bill No. 742 and recommend that it be amended as follows:

Page 2, Section 2, Line 1: Add new Section 2 as follows:

"2. N.J.S. 18A:20-8.2 is amended as follows:

a. Whenever any board of education shall by resolution determine that any tract of land, whether there is a building thereon or not, or part or all of a school building, is not necessary for school purposes, but which it does not desire to dispose of for reason that the property may, at some future time, again be required for school purposes, it may authorize the lease thereof for a term extending beyond the official life of the board; provided that the noneducational uses of such building or tract of land are compatible with the establishment and operation of a school, as determined by the Commissioner of Education, if joint occupancy of such site is considered. The lease shall be binding upon the successor board as follows:

(1) After advertisement of the request for bids to lease to the highest bidder in a newspaper published in the school district, or, if none is published therein, then in a newspaper circulating in the district in which the same is situate, at least once a week for 2 weeks prior to the date fixed for the receipt and opening of bids, unless:

(2) The same is leased to the Federal Government, State, a political subdivision thereof, another school district, [or] any board, body or commission of a municipality within the school district, any volunteer fire company or rescue squad

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actively engaged in the protection of life and property and
duly incorporated under the laws of the State of New Jersey,
or to any American Legion post, Veterans of Foreign Wars,
or other recognized veterans' organization of the United
States of America, located in the municipality or the county,
as a meeting place for such organization, or to a nonprofit
child care service organization duly incorporated under the
laws of the State of New Jersey, or to a nonprofit hospital
duly licensed under the laws of the State of New Jersey,
or to a nonprofit organization duly licensed under the laws
of the State of New Jersey to provide emergency shelter for
the homeless, in which case the same may be leased by private
agreement for a nominal fee without advertisement for bids.

b. Any lease in excess of 5 years shall be approved by the Commissioner of Education."

Page 2, Section 2, Line 1: Delete "2" and insert "3".

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Michael R. Cole

Chief Counsel