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LAW/KR

P.L.2011, CHAPTER 171, *approved January 5, 2012*

Assembly, No. 4114

1 **AN ACT** concerning the sale and lease of certain public property for
2 farming and gardening purposes and amending various parts of
3 the statutory law.

4

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

7

8 1. Section 1 of P.L.2011, c.35 (C.40A:12-15.1) is amended to
9 read as follows:

10 1. The Legislature finds and declares:

11 a. There exists in certain **[older, urban]** municipalities an
12 excess of vacant property that is not needed for public use; and

13 b. Vacant properties present numerous problems for these
14 municipalities such as: presenting the opportunity for criminal
15 activity, deterring neighboring property owners from improving
16 their properties and prospective purchasers and renters from
17 locating into these areas, and serving as a location to dispose of
18 unwanted items; and

19 c. These municipalities are often centers of high and increasing
20 populations and population densities comprised, in part, of lower
21 income families; and

22 d. Due, in part, to increasing population densities, the
23 deterioration of infrastructure such as parks, and fiscal constraints,
24 these municipalities have been challenged to offer residents
25 opportunities to enhance the quality of their lives; and

26 e. Due to the scarcity of full service supermarkets and farmer's
27 markets within these municipalities, municipal residents often
28 suffer from a shortage of fresh fruits and vegetables; and

29 f. The shortages of recreational opportunities and sources of
30 fresh fruits and vegetables have contributed to alarming increases in
31 childhood obesity and other adverse health consequences for
32 municipal residents; and

33 g. While provisions of statutory law authorize local units to
34 lease or sell property that is not needed for public use in order to
35 further various public purposes, these statutory provisions limit
36 municipalities from enlisting the assistance of nonprofit entities to
37 develop these properties for a range of public purposes that could
38 enhance the recreational, educational, and nutritional needs of local
39 residents; and

40 h. Authorization for local units to lease and sell vacant land to
41 nonprofit entities to cultivate these lands can provide both

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 underlined thus is new matter.

1 recreational opportunities and a source of fresh, locally grown fruits
2 and vegetables for local residents; and

3 i. The nonprofit cultivation of previously vacant land by
4 nonprofit entities is a public purpose for which the long term lease
5 and sale of these properties, and exemption from property taxation
6 therefor, is warranted, even in those instances when produce is sold
7 to further the mission of these nonprofit entities.

8 (cf: P.L.2011, c.35, s.1)

9

10 2. Section 15 of P.L.1971, c.199 (C.40A:12-15) is amended to
11 read as follows:

12 15. Purposes for which leases for a public purpose may be made.

13 A leasehold for a term not in excess of 50 years may be made
14 pursuant to this act and extended for an additional 25 years by
15 ordinance or resolution thereafter for any county or municipal
16 public purpose, including, but not limited to:

17 (a) The provision of fire protection, first aid, rescue and
18 emergency services by an association duly incorporated for such
19 purposes.

20 (b) The provision of health care or services by a nonprofit
21 clinic, hospital, residential home, outpatient center or other similar
22 corporation or association.

23 (c) The housing, recreation, education or health care of veterans
24 of any war of the United States by any nonprofit corporation or
25 association.

26 (d) Mental health or psychiatric services or education for
27 persons with mental illness, persons with a mental deficiency, or
28 persons with intellectual disabilities by any nonprofit corporation or
29 association.

30 (e) Any shelter care or services for persons aged 62 or over
31 receiving Social Security payments, pensions, or disability benefits
32 which constitute a substantial portion of the gross income by any
33 nonprofit corporation or association.

34 (f) Services or care for the education or treatment of cerebral
35 palsy patients by any nonprofit corporation or association.

36 (g) Any civic or historic programs or activities by duly
37 incorporated historical societies.

38 (h) Services, education, training, care or treatment of poor or
39 indigent persons or families by any nonprofit corporation or
40 association.

41 (i) Any activity for the promotion of the health, safety, morals
42 and general welfare of the community of any nonprofit corporation
43 or association.

44 (j) The cultivation or use of vacant lots for gardening or
45 recreational purposes.

46 (k) The provision of electrical transmission service across the
47 lines of a public utility for a county or municipality pursuant to
48 R.S.40:62-12 through R.S.40:62-25.

1 (l) In any [city of the first, second, third or fourth class]
2 municipality, the lease of a tract of land of less than five acres to a
3 nonprofit corporation or association to cultivate and sell fresh fruits
4 and vegetables.

5 Except as otherwise provided in subsection (k) of this section, in
6 no event shall any lease under this section be entered into for, with,
7 or on behalf of any commercial, business, trade, manufacturing,
8 wholesaling, retailing, or other profit-making enterprise, nor shall
9 any lease pursuant to this section be entered into with any political,
10 partisan, sectarian, denominational or religious corporation or
11 association, or for any political, partisan, sectarian, denominational
12 or religious purpose, except that a county or municipality may enter
13 into a lease for the use permitted under subsection (j) with a
14 sectarian, denominational or religious corporation; provided the
15 property is not used for a sectarian, denominational or religious
16 purpose. In the case of a municipality the governing body may
17 designate the municipal manager, business administrator or any
18 other municipal official for the purpose of entering into a lease for
19 the use permitted under subsection (j). Any lease entered into
20 pursuant to subsection (l) with a non-profit corporation or
21 association may permit the non-profit corporation or association to
22 sell fresh fruits and vegetables on the leased land, off the leased
23 land, or both, provided, that the sales are related and incidental to
24 the non-profit purposes of the corporation or association and the net
25 proceeds received by the non-profit corporation or association are
26 used to further the non-profit purposes of the corporation or
27 association. Property leased pursuant to subsection (l) of this
28 section shall be exempt from property taxation.

29 (cf: P.L.2011, c.35, s.2)

30
31 3. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
32 read as follows:

33 21. Private sales to certain organizations upon nominal
34 consideration. When the governing body of any county or
35 municipality shall determine that all or any part of a tract of land,
36 with or without improvements, owned by the county or
37 municipality, is not then needed for county or municipal purposes,
38 as the case may be, said governing body, by resolution or
39 ordinance, may authorize a private sale and conveyance of the
40 same, or any part thereof without compliance with any other law
41 governing disposal of lands by counties and municipalities, for a
42 consideration, which may be nominal, and containing a limitation
43 that such lands or buildings shall be used only for the purposes of
44 such organization or association, and to render such services or to
45 provide such facilities as may be agreed upon, and except as
46 provided in subsection (n) of this section not for commercial
47 business, trade or manufacture, and that, unless waived, released,
48 modified, or subordinated pursuant to P.L.1943, c.33 (C.40:60-

1 51.2), if said lands or buildings are not used in accordance with said
2 limitation, title thereto shall revert to the county or municipality
3 without any entry or reentry made thereon on behalf of such county
4 or municipality, to

5 (a) A duly incorporated volunteer fire company or board of fire
6 commissioners or first aid and emergency or volunteer ambulance
7 or rescue squad association of a municipality within the county, in
8 the case of a county, or of the municipality, in the case of a
9 municipality, for the construction thereon of a firehouse or fire
10 school or a first aid and emergency or volunteer ambulance or
11 rescue squad building or for the use of any existing building for any
12 or all of said purposes and any such land or building sold to any
13 duly incorporated volunteer fire company may be leased by such
14 fire company to any volunteer firemen's association for the use
15 thereof for fire school purposes for the benefit of the members of
16 such association, or

17 (b) Any nationally chartered organization or association of
18 veterans of any war, in which the United States has or shall have
19 been engaged, by a conveyance for consideration, a part of which
20 may be an agreement by the organization or association to render
21 service or to provide facilities for the general public of the county
22 or municipality, of a kind which the county or municipality may
23 furnish to its citizens and to the general public, or

24 (c) A duly incorporated nonprofit hospital association for the
25 construction or maintenance thereon of a general hospital, or

26 (d) Any paraplegic veteran, that is to say, any officer, soldier,
27 sailor, marine, nurse or other person, regularly enlisted or inducted,
28 who was or shall have been in the active military or naval forces of
29 the United States in any war in which the United States was
30 engaged, including any member of the American Merchant Marine
31 during World War II who is declared by the United States
32 Department of Defense to be eligible for federal veterans' benefits,
33 and who, at the time he was commissioned, enlisted, inducted,
34 appointed or mustered into such military or naval service, was a
35 resident of and who continues to reside in this State, who is
36 suffering from paraplegia and has permanent paralysis of both legs
37 or the lower parts of the body resulting from injuries sustained
38 through enemy action or accident while in such active military or
39 naval service, for the construction of a home to domicile him, or to
40 any organization or association of veterans, for the construction of a
41 home or homes to domicile paraplegic veterans, with powers to
42 convey said lands and premises to the paraplegic veteran or
43 veterans on whose behalf said organization or association shall
44 acquire title to said land, or

45 (e) Any duly incorporated nonprofit association or any regional
46 commission or authority composed of one or more municipalities or
47 one or more counties for the construction or maintenance thereon of
48 an animal shelter, or

- 1 (f) Any duly incorporated nonprofit historical society for the
2 acquisition of publicly owned historic sites for their restoration,
3 preservation, improvement and utilization for the benefit of the
4 general public, or
- 5 (g) Any duly incorporated nonprofit cemetery organization or
6 association serving the residents of the municipality or county, or
- 7 (h) Any duly incorporated nonprofit organization for the
8 principal purpose of the education or treatment of persons afflicted
9 with developmental disabilities including cerebral palsy, or
- 10 (i) Any county or municipal sewerage authority serving the
11 residents of the county or municipality, for the use thereof for
12 sewerage authority purposes, or
- 13 (j) Any duly incorporated nonprofit organization for the
14 purpose of building or rehabilitating residential property for resale.
15 Any profits from the resale of the property shall be applied by the
16 nonprofit organization to the costs of acquiring and rehabilitating
17 other residential property in need of rehabilitation owned by the
18 county or municipality, or
- 19 (k) Any duly incorporated nonprofit organization or association,
20 other than a political, partisan, sectarian, denominational or
21 religious organization or association, which includes among its
22 principal purposes the provision of educational, gardening,
23 recreational, medical or social services to the general public,
24 including residents of the county or municipality, or
- 25 (l) Any duly incorporated nonprofit housing corporation or any
26 limited-dividend housing corporation or housing association
27 organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.) for the
28 purpose of constructing housing for low or moderate income
29 persons or families or handicapped persons, or
- 30 (m) Any duly incorporated nonprofit hospice organization whose
31 principal purpose is to provide hospice services to the terminally ill,
32 or
- 33 (n) Any duly incorporated nonprofit organization or association
34 for the cultivation and sale of fresh fruits and vegetables on a tract
35 of land of less than five acres within a [city of the first, second,
36 third or fourth class] municipality, provided that the nonprofit
37 organization or association is not controlled, directly or indirectly,
38 by any agricultural, commercial, or other business. The nonprofit
39 organization or association shall be authorized to sell fresh fruits
40 and vegetables either on the land that was conveyed, off that land,
41 or both, provided, that the sales are related and incidental to the
42 non-profit purposes of the organization or association and the net
43 proceeds received by the nonprofit organization or association are
44 used to further the non-profit purposes of the organization or
45 association.
- 46 Whenever a sale of property is proposed pursuant to subsection
47 (k), for gardening, or subsection (n) of this section, the county or
48 municipality shall comply with all notice requirements for an

1 application for development under section 7.1 of P.L.1975, c.291
2 (C.40:55D-12).

3 (cf: P.L.2011, c.35, s.3)

4

5 4. R.S.54:4-3.6 is amended to read as follows:

6 54:4-3.6. The following property shall be exempt from taxation
7 under this chapter: all buildings actually used for colleges, schools,
8 academies or seminaries, provided that if any portion of such
9 buildings are leased to profit-making organizations or otherwise
10 used for purposes which are not themselves exempt from taxation,
11 said portion shall be subject to taxation and the remaining portion
12 only shall be exempt; all buildings actually used for historical
13 societies, associations or exhibitions, when owned by the State,
14 county or any political subdivision thereof or when located on land
15 owned by an educational institution which derives its primary
16 support from State revenue; all buildings actually and exclusively
17 used for public libraries, asylum or schools for adults and children
18 with intellectual disabilities; all buildings used exclusively by any
19 association or corporation formed for the purpose and actually
20 engaged in the work of preventing cruelty to animals; all buildings
21 actually and exclusively used and owned by volunteer first-aid
22 squads, which squads are or shall be incorporated as associations
23 not for pecuniary profit; all buildings actually used in the work of
24 associations and corporations organized exclusively for the moral
25 and mental improvement of men, women and children, provided
26 that if any portion of a building used for that purpose is leased to
27 profit-making organizations or is otherwise used for purposes which
28 are not themselves exempt from taxation, that portion shall be
29 subject to taxation and the remaining portion only shall be exempt;
30 all buildings actually used in the work of associations and
31 corporations organized exclusively for religious purposes, including
32 religious worship, or charitable purposes, provided that if any
33 portion of a building used for that purpose is leased to a profit-
34 making organization or is otherwise used for purposes which are not
35 themselves exempt from taxation, that portion shall be subject to
36 taxation and the remaining portion shall be exempt from taxation,
37 and provided further that if any portion of a building is used for a
38 different exempt use by an exempt entity, that portion shall also be
39 exempt from taxation; all buildings actually used in the work of
40 associations and corporations organized exclusively for hospital
41 purposes, provided that if any portion of a building used for hospital
42 purposes is leased to profit-making organizations or otherwise used
43 for purposes which are not themselves exempt from taxation, that
44 portion shall be subject to taxation and the remaining portion only
45 shall be exempt; all buildings owned or held by an association or
46 corporation created for the purpose of holding the title to such
47 buildings as are actually and exclusively used in the work of two or
48 more associations or corporations organized exclusively for the

1 moral and mental improvement of men, women and children; all
2 buildings owned by a corporation created under or otherwise
3 subject to the provisions of Title 15 of the Revised Statutes or Title
4 15A of the New Jersey Statutes and actually and exclusively used in
5 the work of one or more associations or corporations organized
6 exclusively for charitable or religious purposes, which associations
7 or corporations may or may not pay rent for the use of the premises
8 or the portions of the premises used by them; the buildings, not
9 exceeding two, actually occupied as a parsonage by the officiating
10 clergymen of any religious corporation of this State, together with
11 the accessory buildings located on the same premises; the land
12 whereon any of the buildings hereinbefore mentioned are erected,
13 and which may be necessary for the fair enjoyment thereof, and
14 which is devoted to the purposes above mentioned and to no other
15 purpose and does not exceed five acres in extent; the furniture and
16 personal property in said buildings if used in and devoted to the
17 purposes above mentioned; all property owned and used by any
18 nonprofit corporation in connection with its curriculum, work, care,
19 treatment and study of men, women, or children with intellectual
20 disabilities shall also be exempt from taxation, provided that such
21 corporation conducts and maintains research or professional
22 training facilities for the care and training of men, women, or
23 children with intellectual disabilities; provided, in case of all the
24 foregoing, the buildings, or the lands on which they stand, or the
25 associations, corporations or institutions using and occupying them
26 as aforesaid, are not conducted for profit, except that the exemption
27 of the buildings and lands used for charitable, benevolent or
28 religious purposes shall extend to cases where the charitable,
29 benevolent or religious work therein carried on is supported partly
30 by fees and charges received from or on behalf of beneficiaries
31 using or occupying the buildings; provided the building is wholly
32 controlled by and the entire income therefrom is used for said
33 charitable, benevolent or religious purposes; and any tract of land
34 purchased pursuant to subsection (n) of section 21 of P.L.1971,
35 c.199 (C.40A:12-21), and located within a [city of the first, second,
36 third or fourth class] municipality, actually used for the cultivation
37 and sale of fresh fruits and vegetables and owned by a duly
38 incorporated nonprofit organization or association which includes
39 among its principal purposes the cultivation and sale of fresh fruits
40 and vegetables, other than a political, partisan, sectarian,
41 denominational or religious organization or association. The
42 foregoing exemption shall apply only where the association,
43 corporation or institution claiming the exemption owns the property
44 in question and is incorporated or organized under the laws of this
45 State and authorized to carry out the purposes on account of which
46 the exemption is claimed or where an educational institution, as
47 provided herein, has leased said property to a historical society or
48 association or to a corporation organized for such purposes and

1 created under or otherwise subject to the provisions of Title 15 of
2 the Revised Statutes or Title 15A of the New Jersey Statutes.

3 As used in this section “hospital purposes” includes health care
4 facilities for the elderly, such as nursing homes; residential health
5 care facilities; assisted living residences; facilities with a Class C
6 license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the
7 “Rooming and Boarding House Act of 1979”; similar facilities that
8 provide medical, nursing or personal care services to their residents;
9 and that portion of the central administrative or service facility of a
10 continuing care retirement community that is reasonably allocable
11 as a health care facility for the elderly.
12 (cf: P.L.2011, c.35, s.4)

13

14 5. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill amends various parts of the statutory law to allow all
20 municipalities to sell and lease public property not needed for
21 public purposes to certain nonprofit entities for “urban” farming
22 and gardening purposes. Under current law, this practice is
23 restricted to municipalities located in cities of the first, second,
24 third or fourth class.

25

26

27

28

29 _____
30 Allows all municipalities to sell and lease unneeded public
property for “urban” farming and gardening purposes.

ASSEMBLY, No. 4114

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 16, 2011

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

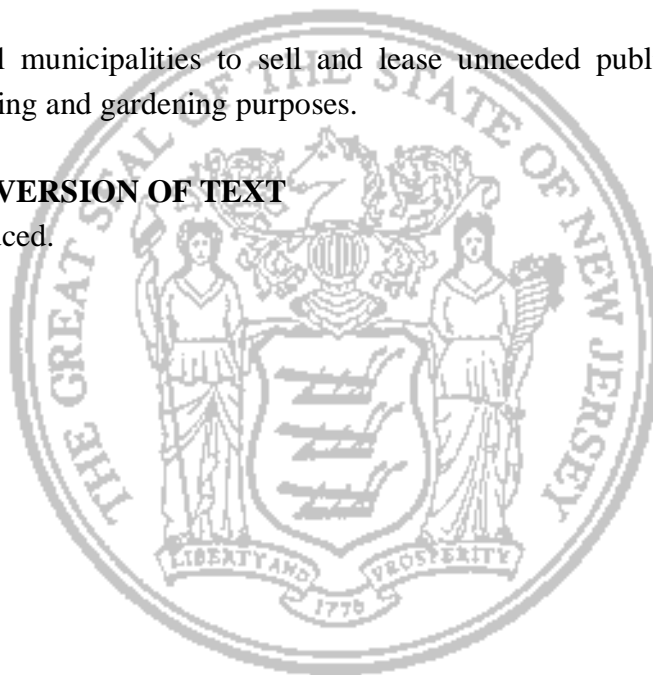
**Assemblywomen Riley, Evans, Assemblymen Conaway, Chivukula,
Senators Vitale, Rice and Ruiz**

SYNOPSIS

Allows all municipalities to sell and lease unneeded public property for "urban" farming and gardening purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2011)

1 AN ACT concerning the sale and lease of certain public property for
2 farming and gardening purposes and amending various parts of
3 the statutory law.

4

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

7

8 1. Section 1 of P.L.2011, c.35 (C.40A:12-15.1) is amended to
9 read as follows:

10 1. The Legislature finds and declares:

11 a. There exists in certain **[older, urban]** municipalities an
12 excess of vacant property that is not needed for public use; and

13 b. Vacant properties present numerous problems for these
14 municipalities such as: presenting the opportunity for criminal
15 activity, deterring neighboring property owners from improving
16 their properties and prospective purchasers and renters from
17 locating into these areas, and serving as a location to dispose of
18 unwanted items; and

19 c. These municipalities are often centers of high and increasing
20 populations and population densities comprised, in part, of lower
21 income families; and

22 d. Due, in part, to increasing population densities, the
23 deterioration of infrastructure such as parks, and fiscal constraints,
24 these municipalities have been challenged to offer residents
25 opportunities to enhance the quality of their lives; and

26 e. Due to the scarcity of full service supermarkets and farmer's
27 markets within these municipalities, municipal residents often
28 suffer from a shortage of fresh fruits and vegetables; and

29 f. The shortages of recreational opportunities and sources of
30 fresh fruits and vegetables have contributed to alarming increases in
31 childhood obesity and other adverse health consequences for
32 municipal residents; and

33 g. While provisions of statutory law authorize local units to
34 lease or sell property that is not needed for public use in order to
35 further various public purposes, these statutory provisions limit
36 municipalities from enlisting the assistance of nonprofit entities to
37 develop these properties for a range of public purposes that could
38 enhance the recreational, educational, and nutritional needs of local
39 residents; and

40 h. Authorization for local units to lease and sell vacant land to
41 nonprofit entities to cultivate these lands can provide both
42 recreational opportunities and a source of fresh, locally grown fruits
43 and vegetables for local residents; and

44 i. The nonprofit cultivation of previously vacant land by
45 nonprofit entities is a public purpose for which the long term lease

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 underlined thus is new matter.

1 and sale of these properties, and exemption from property taxation
2 therefor, is warranted, even in those instances when produce is sold
3 to further the mission of these nonprofit entities.

4 (cf: P.L.2011, c.35, s.1)

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6 2. Section 15 of P.L.1971, c.199 (C.40A:12-15) is amended to
7 read as follows:

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10 pursuant to this act and extended for an additional 25 years by
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37 (i) Any activity for the promotion of the health, safety, morals
38 and general welfare of the community of any nonprofit corporation
39 or association.

40 (j) The cultivation or use of vacant lots for gardening or
41 recreational purposes.

42 (k) The provision of electrical transmission service across the
43 lines of a public utility for a county or municipality pursuant to
44 R.S.40:62-12 through R.S.40:62-25.

45 (l) In any **[city of the first, second, third or fourth class]**
46 municipality, the lease of a tract of land of less than five acres to a
47 nonprofit corporation or association to cultivate and sell fresh fruits
48 and vegetables.

1 Except as otherwise provided in subsection (k) of this section, in
2 no event shall any lease under this section be entered into for, with,
3 or on behalf of any commercial, business, trade, manufacturing,
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5 any lease pursuant to this section be entered into with any political,
6 partisan, sectarian, denominational or religious corporation or
7 association, or for any political, partisan, sectarian, denominational
8 or religious purpose, except that a county or municipality may enter
9 into a lease for the use permitted under subsection (j) with a
10 sectarian, denominational or religious corporation; provided the
11 property is not used for a sectarian, denominational or religious
12 purpose. In the case of a municipality the governing body may
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15 the use permitted under subsection (j). Any lease entered into
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17 association may permit the non-profit corporation or association to
18 sell fresh fruits and vegetables on the leased land, off the leased
19 land, or both, provided, that the sales are related and incidental to
20 the non-profit purposes of the corporation or association and the net
21 proceeds received by the non-profit corporation or association are
22 used to further the non-profit purposes of the corporation or
23 association. Property leased pursuant to subsection (l) of this
24 section shall be exempt from property taxation.

25 (cf: P.L.2011, c.35, s.2)

26

27 3. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
28 read as follows:

29 21. Private sales to certain organizations upon nominal
30 consideration. When the governing body of any county or
31 municipality shall determine that all or any part of a tract of land,
32 with or without improvements, owned by the county or
33 municipality, is not then needed for county or municipal purposes,
34 as the case may be, said governing body, by resolution or
35 ordinance, may authorize a private sale and conveyance of the
36 same, or any part thereof without compliance with any other law
37 governing disposal of lands by counties and municipalities, for a
38 consideration, which may be nominal, and containing a limitation
39 that such lands or buildings shall be used only for the purposes of
40 such organization or association, and to render such services or to
41 provide such facilities as may be agreed upon, and except as
42 provided in subsection (n) of this section not for commercial
43 business, trade or manufacture, and that, unless waived, released,
44 modified, or subordinated pursuant to P.L.1943, c.33 (C.40:60-
45 51.2), if said lands or buildings are not used in accordance with said
46 limitation, title thereto shall revert to the county or municipality
47 without any entry or reentry made thereon on behalf of such county
48 or municipality, to

1 (a) A duly incorporated volunteer fire company or board of fire
2 commissioners or first aid and emergency or volunteer ambulance
3 or rescue squad association of a municipality within the county, in
4 the case of a county, or of the municipality, in the case of a
5 municipality, for the construction thereon of a firehouse or fire
6 school or a first aid and emergency or volunteer ambulance or
7 rescue squad building or for the use of any existing building for any
8 or all of said purposes and any such land or building sold to any
9 duly incorporated volunteer fire company may be leased by such
10 fire company to any volunteer firemen's association for the use
11 thereof for fire school purposes for the benefit of the members of
12 such association, or

13 (b) Any nationally chartered organization or association of
14 veterans of any war, in which the United States has or shall have
15 been engaged, by a conveyance for consideration, a part of which
16 may be an agreement by the organization or association to render
17 service or to provide facilities for the general public of the county
18 or municipality, of a kind which the county or municipality may
19 furnish to its citizens and to the general public, or

20 (c) A duly incorporated nonprofit hospital association for the
21 construction or maintenance thereon of a general hospital, or

22 (d) Any paraplegic veteran, that is to say, any officer, soldier,
23 sailor, marine, nurse or other person, regularly enlisted or inducted,
24 who was or shall have been in the active military or naval forces of
25 the United States in any war in which the United States was
26 engaged, including any member of the American Merchant Marine
27 during World War II who is declared by the United States
28 Department of Defense to be eligible for federal veterans' benefits,
29 and who, at the time he was commissioned, enlisted, inducted,
30 appointed or mustered into such military or naval service, was a
31 resident of and who continues to reside in this State, who is
32 suffering from paraplegia and has permanent paralysis of both legs
33 or the lower parts of the body resulting from injuries sustained
34 through enemy action or accident while in such active military or
35 naval service, for the construction of a home to domicile him, or to
36 any organization or association of veterans, for the construction of a
37 home or homes to domicile paraplegic veterans, with powers to
38 convey said lands and premises to the paraplegic veteran or
39 veterans on whose behalf said organization or association shall
40 acquire title to said land, or

41 (e) Any duly incorporated nonprofit association or any regional
42 commission or authority composed of one or more municipalities or
43 one or more counties for the construction or maintenance thereon of
44 an animal shelter, or

45 (f) Any duly incorporated nonprofit historical society for the
46 acquisition of publicly owned historic sites for their restoration,
47 preservation, improvement and utilization for the benefit of the
48 general public, or

- 1 (g) Any duly incorporated nonprofit cemetery organization or
2 association serving the residents of the municipality or county, or
3 (h) Any duly incorporated nonprofit organization for the
4 principal purpose of the education or treatment of persons afflicted
5 with developmental disabilities including cerebral palsy, or
6 (i) Any county or municipal sewerage authority serving the
7 residents of the county or municipality, for the use thereof for
8 sewerage authority purposes, or
9 (j) Any duly incorporated nonprofit organization for the
10 purpose of building or rehabilitating residential property for resale.
11 Any profits from the resale of the property shall be applied by the
12 nonprofit organization to the costs of acquiring and rehabilitating
13 other residential property in need of rehabilitation owned by the
14 county or municipality, or
15 (k) Any duly incorporated nonprofit organization or association,
16 other than a political, partisan, sectarian, denominational or
17 religious organization or association, which includes among its
18 principal purposes the provision of educational, gardening,
19 recreational, medical or social services to the general public,
20 including residents of the county or municipality, or
21 (l) Any duly incorporated nonprofit housing corporation or any
22 limited-dividend housing corporation or housing association
23 organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.) for the
24 purpose of constructing housing for low or moderate income
25 persons or families or handicapped persons, or
26 (m) Any duly incorporated nonprofit hospice organization whose
27 principal purpose is to provide hospice services to the terminally ill,
28 or
29 (n) Any duly incorporated nonprofit organization or association
30 for the cultivation and sale of fresh fruits and vegetables on a tract
31 of land of less than five acres within a [city of the first, second,
32 third or fourth class] municipality, provided that the nonprofit
33 organization or association is not controlled, directly or indirectly,
34 by any agricultural, commercial, or other business. The nonprofit
35 organization or association shall be authorized to sell fresh fruits
36 and vegetables either on the land that was conveyed, off that land,
37 or both, provided, that the sales are related and incidental to the
38 non-profit purposes of the organization or association and the net
39 proceeds received by the nonprofit organization or association are
40 used to further the non-profit purposes of the organization or
41 association.
42 Whenever a sale of property is proposed pursuant to subsection
43 (k), for gardening, or subsection (n) of this section, the county or
44 municipality shall comply with all notice requirements for an
45 application for development under section 7.1 of P.L.1975, c.291
46 (C.40:55D-12).
47 (cf: P.L.2011, c.35, s.3)

1 4. R.S.54:4-3.6 is amended to read as follows:
2 54:4-3.6. The following property shall be exempt from taxation
3 under this chapter: all buildings actually used for colleges, schools,
4 academies or seminaries, provided that if any portion of such
5 buildings are leased to profit-making organizations or otherwise
6 used for purposes which are not themselves exempt from taxation,
7 said portion shall be subject to taxation and the remaining portion
8 only shall be exempt; all buildings actually used for historical
9 societies, associations or exhibitions, when owned by the State,
10 county or any political subdivision thereof or when located on land
11 owned by an educational institution which derives its primary
12 support from State revenue; all buildings actually and exclusively
13 used for public libraries, asylum or schools for adults and children
14 with intellectual disabilities; all buildings used exclusively by any
15 association or corporation formed for the purpose and actually
16 engaged in the work of preventing cruelty to animals; all buildings
17 actually and exclusively used and owned by volunteer first-aid
18 squads, which squads are or shall be incorporated as associations
19 not for pecuniary profit; all buildings actually used in the work of
20 associations and corporations organized exclusively for the moral
21 and mental improvement of men, women and children, provided
22 that if any portion of a building used for that purpose is leased to
23 profit-making organizations or is otherwise used for purposes which
24 are not themselves exempt from taxation, that portion shall be
25 subject to taxation and the remaining portion only shall be exempt;
26 all buildings actually used in the work of associations and
27 corporations organized exclusively for religious purposes, including
28 religious worship, or charitable purposes, provided that if any
29 portion of a building used for that purpose is leased to a profit-
30 making organization or is otherwise used for purposes which are not
31 themselves exempt from taxation, that portion shall be subject to
32 taxation and the remaining portion shall be exempt from taxation,
33 and provided further that if any portion of a building is used for a
34 different exempt use by an exempt entity, that portion shall also be
35 exempt from taxation; all buildings actually used in the work of
36 associations and corporations organized exclusively for hospital
37 purposes, provided that if any portion of a building used for hospital
38 purposes is leased to profit-making organizations or otherwise used
39 for purposes which are not themselves exempt from taxation, that
40 portion shall be subject to taxation and the remaining portion only
41 shall be exempt; all buildings owned or held by an association or
42 corporation created for the purpose of holding the title to such
43 buildings as are actually and exclusively used in the work of two or
44 more associations or corporations organized exclusively for the
45 moral and mental improvement of men, women and children; all
46 buildings owned by a corporation created under or otherwise
47 subject to the provisions of Title 15 of the Revised Statutes or Title
48 15A of the New Jersey Statutes and actually and exclusively used in

1 the work of one or more associations or corporations organized
2 exclusively for charitable or religious purposes, which associations
3 or corporations may or may not pay rent for the use of the premises
4 or the portions of the premises used by them; the buildings, not
5 exceeding two, actually occupied as a parsonage by the officiating
6 clergymen of any religious corporation of this State, together with
7 the accessory buildings located on the same premises; the land
8 whereon any of the buildings hereinbefore mentioned are erected,
9 and which may be necessary for the fair enjoyment thereof, and
10 which is devoted to the purposes above mentioned and to no other
11 purpose and does not exceed five acres in extent; the furniture and
12 personal property in said buildings if used in and devoted to the
13 purposes above mentioned; all property owned and used by any
14 nonprofit corporation in connection with its curriculum, work, care,
15 treatment and study of men, women, or children with intellectual
16 disabilities shall also be exempt from taxation, provided that such
17 corporation conducts and maintains research or professional
18 training facilities for the care and training of men, women, or
19 children with intellectual disabilities; provided, in case of all the
20 foregoing, the buildings, or the lands on which they stand, or the
21 associations, corporations or institutions using and occupying them
22 as aforesaid, are not conducted for profit, except that the exemption
23 of the buildings and lands used for charitable, benevolent or
24 religious purposes shall extend to cases where the charitable,
25 benevolent or religious work therein carried on is supported partly
26 by fees and charges received from or on behalf of beneficiaries
27 using or occupying the buildings; provided the building is wholly
28 controlled by and the entire income therefrom is used for said
29 charitable, benevolent or religious purposes; and any tract of land
30 purchased pursuant to subsection (n) of section 21 of P.L.1971,
31 c.199 (C.40A:12-21), and located within a [city of the first, second,
32 third or fourth class] municipality, actually used for the cultivation
33 and sale of fresh fruits and vegetables and owned by a duly
34 incorporated nonprofit organization or association which includes
35 among its principal purposes the cultivation and sale of fresh fruits
36 and vegetables, other than a political, partisan, sectarian,
37 denominational or religious organization or association. The
38 foregoing exemption shall apply only where the association,
39 corporation or institution claiming the exemption owns the property
40 in question and is incorporated or organized under the laws of this
41 State and authorized to carry out the purposes on account of which
42 the exemption is claimed or where an educational institution, as
43 provided herein, has leased said property to a historical society or
44 association or to a corporation organized for such purposes and
45 created under or otherwise subject to the provisions of Title 15 of
46 the Revised Statutes or Title 15A of the New Jersey Statutes.

47 As used in this section "hospital purposes" includes health care
48 facilities for the elderly, such as nursing homes; residential health

1 care facilities; assisted living residences; facilities with a Class C
2 license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the
3 “Rooming and Boarding House Act of 1979”; similar facilities that
4 provide medical, nursing or personal care services to their residents;
5 and that portion of the central administrative or service facility of a
6 continuing care retirement community that is reasonably allocable
7 as a health care facility for the elderly.
8 (cf: P.L.2011, c.35, s.4)

9
10 5. This act shall take effect immediately.

11
12
13

STATEMENT

14
15 This bill amends various parts of the statutory law to allow all
16 municipalities to sell and lease public property not needed for
17 public purposes to certain nonprofit entities for “urban” farming
18 and gardening purposes. Under current law, this practice is
19 restricted to municipalities located in cities of the first, second,
20 third or fourth class.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4114

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 2011

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No.4114.

This bill amends various parts of the statutory law to allow all municipalities to sell and lease public property not needed for public purposes to certain nonprofit entities for “urban” farming and gardening purposes. Under current law, this practice is restricted to municipalities located in cities of the first, second, third or fourth class.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4114

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 4114.

This bill amends various parts of the statutory law to allow all municipalities to sell and lease public property not needed for public purposes to certain nonprofit entities for “urban” farming and gardening purposes. Under current law, this practice is restricted to municipalities that are cities of the first, second, third, or fourth class.

SENATE, No. 2956

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 16, 2011

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

Senator Ruiz

SYNOPSIS

Allows all municipalities to sell and lease unneeded public property for “urban” farming and gardening purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2011)

S2956 VITALE, RICE

2

1 AN ACT concerning the sale and lease of certain public property for
2 farming and gardening purposes and amending various parts of
3 the statutory law.

4

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

7

8 1. Section 1 of P.L.2011, c.35 (C.40A:12-15.1) is amended to
9 read as follows:

10 1. The Legislature finds and declares:

11 a. There exists in certain **[older, urban]** municipalities an
12 excess of vacant property that is not needed for public use; and

13 b. Vacant properties present numerous problems for these
14 municipalities such as: presenting the opportunity for criminal
15 activity, deterring neighboring property owners from improving
16 their properties and prospective purchasers and renters from
17 locating into these areas, and serving as a location to dispose of
18 unwanted items; and

19 c. These municipalities are often centers of high and increasing
20 populations and population densities comprised, in part, of lower
21 income families; and

22 d. Due, in part, to increasing population densities, the
23 deterioration of infrastructure such as parks, and fiscal constraints,
24 these municipalities have been challenged to offer residents
25 opportunities to enhance the quality of their lives; and

26 e. Due to the scarcity of full service supermarkets and farmer's
27 markets within these municipalities, municipal residents often
28 suffer from a shortage of fresh fruits and vegetables; and

29 f. The shortages of recreational opportunities and sources of
30 fresh fruits and vegetables have contributed to alarming increases in
31 childhood obesity and other adverse health consequences for
32 municipal residents; and

33 g. While provisions of statutory law authorize local units to
34 lease or sell property that is not needed for public use in order to
35 further various public purposes, these statutory provisions limit
36 municipalities from enlisting the assistance of nonprofit entities to
37 develop these properties for a range of public purposes that could
38 enhance the recreational, educational, and nutritional needs of local
39 residents; and

40 h. Authorization for local units to lease and sell vacant land to
41 nonprofit entities to cultivate these lands can provide both
42 recreational opportunities and a source of fresh, locally grown fruits
43 and vegetables for local residents; and

44 i. The nonprofit cultivation of previously vacant land by
45 nonprofit entities is a public purpose for which the long term lease

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 underlined thus is new matter.

1 and sale of these properties, and exemption from property taxation
2 therefor, is warranted, even in those instances when produce is sold
3 to further the mission of these nonprofit entities.

4 (cf: P.L.2011, c.35, s.1)

5

6 2. Section 15 of P.L.1971, c.199 (C.40A:12-15) is amended to
7 read as follows:

8 15. Purposes for which leases for a public purpose may be made.

9 A leasehold for a term not in excess of 50 years may be made
10 pursuant to this act and extended for an additional 25 years by
11 ordinance or resolution thereafter for any county or municipal
12 public purpose, including, but not limited to:

13 (a) The provision of fire protection, first aid, rescue and
14 emergency services by an association duly incorporated for such
15 purposes.

16 (b) The provision of health care or services by a nonprofit
17 clinic, hospital, residential home, outpatient center or other similar
18 corporation or association.

19 (c) The housing, recreation, education or health care of veterans
20 of any war of the United States by any nonprofit corporation or
21 association.

22 (d) Mental health or psychiatric services or education for
23 persons with mental illness, persons with a mental deficiency, or
24 persons with intellectual disabilities by any nonprofit corporation or
25 association.

26 (e) Any shelter care or services for persons aged 62 or over
27 receiving Social Security payments, pensions, or disability benefits
28 which constitute a substantial portion of the gross income by any
29 nonprofit corporation or association.

30 (f) Services or care for the education or treatment of cerebral
31 palsy patients by any nonprofit corporation or association.

32 (g) Any civic or historic programs or activities by duly
33 incorporated historical societies.

34 (h) Services, education, training, care or treatment of poor or
35 indigent persons or families by any nonprofit corporation or
36 association.

37 (i) Any activity for the promotion of the health, safety, morals
38 and general welfare of the community of any nonprofit corporation
39 or association.

40 (j) The cultivation or use of vacant lots for gardening or
41 recreational purposes.

42 (k) The provision of electrical transmission service across the
43 lines of a public utility for a county or municipality pursuant to
44 R.S.40:62-12 through R.S.40:62-25.

45 (l) In any **[city of the first, second, third or fourth class]**
46 municipality, the lease of a tract of land of less than five acres to a
47 nonprofit corporation or association to cultivate and sell fresh fruits
48 and vegetables.

S2956 VITALE, RICE

1 Except as otherwise provided in subsection (k) of this section, in
2 no event shall any lease under this section be entered into for, with,
3 or on behalf of any commercial, business, trade, manufacturing,
4 wholesaling, retailing, or other profit-making enterprise, nor shall
5 any lease pursuant to this section be entered into with any political,
6 partisan, sectarian, denominational or religious corporation or
7 association, or for any political, partisan, sectarian, denominational
8 or religious purpose, except that a county or municipality may enter
9 into a lease for the use permitted under subsection (j) with a
10 sectarian, denominational or religious corporation; provided the
11 property is not used for a sectarian, denominational or religious
12 purpose. In the case of a municipality the governing body may
13 designate the municipal manager, business administrator or any
14 other municipal official for the purpose of entering into a lease for
15 the use permitted under subsection (j). Any lease entered into
16 pursuant to subsection (l) with a non-profit corporation or
17 association may permit the non-profit corporation or association to
18 sell fresh fruits and vegetables on the leased land, off the leased
19 land, or both, provided, that the sales are related and incidental to
20 the non-profit purposes of the corporation or association and the net
21 proceeds received by the non-profit corporation or association are
22 used to further the non-profit purposes of the corporation or
23 association. Property leased pursuant to subsection (l) of this
24 section shall be exempt from property taxation.

25 (cf: P.L.2011, c.35, s.2)

26

27 3. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
28 read as follows:

29 21. Private sales to certain organizations upon nominal
30 consideration. When the governing body of any county or
31 municipality shall determine that all or any part of a tract of land,
32 with or without improvements, owned by the county or
33 municipality, is not then needed for county or municipal purposes,
34 as the case may be, said governing body, by resolution or
35 ordinance, may authorize a private sale and conveyance of the
36 same, or any part thereof without compliance with any other law
37 governing disposal of lands by counties and municipalities, for a
38 consideration, which may be nominal, and containing a limitation
39 that such lands or buildings shall be used only for the purposes of
40 such organization or association, and to render such services or to
41 provide such facilities as may be agreed upon, and except as
42 provided in subsection (n) of this section not for commercial
43 business, trade or manufacture, and that, unless waived, released,
44 modified, or subordinated pursuant to P.L.1943, c.33 (C.40:60-
45 51.2), if said lands or buildings are not used in accordance with said
46 limitation, title thereto shall revert to the county or municipality
47 without any entry or reentry made thereon on behalf of such county
48 or municipality, to

1 (a) A duly incorporated volunteer fire company or board of fire
2 commissioners or first aid and emergency or volunteer ambulance
3 or rescue squad association of a municipality within the county, in
4 the case of a county, or of the municipality, in the case of a
5 municipality, for the construction thereon of a firehouse or fire
6 school or a first aid and emergency or volunteer ambulance or
7 rescue squad building or for the use of any existing building for any
8 or all of said purposes and any such land or building sold to any
9 duly incorporated volunteer fire company may be leased by such
10 fire company to any volunteer firemen's association for the use
11 thereof for fire school purposes for the benefit of the members of
12 such association, or

13 (b) Any nationally chartered organization or association of
14 veterans of any war, in which the United States has or shall have
15 been engaged, by a conveyance for consideration, a part of which
16 may be an agreement by the organization or association to render
17 service or to provide facilities for the general public of the county
18 or municipality, of a kind which the county or municipality may
19 furnish to its citizens and to the general public, or

20 (c) A duly incorporated nonprofit hospital association for the
21 construction or maintenance thereon of a general hospital, or

22 (d) Any paraplegic veteran, that is to say, any officer, soldier,
23 sailor, marine, nurse or other person, regularly enlisted or inducted,
24 who was or shall have been in the active military or naval forces of
25 the United States in any war in which the United States was
26 engaged, including any member of the American Merchant Marine
27 during World War II who is declared by the United States
28 Department of Defense to be eligible for federal veterans' benefits,
29 and who, at the time he was commissioned, enlisted, inducted,
30 appointed or mustered into such military or naval service, was a
31 resident of and who continues to reside in this State, who is
32 suffering from paraplegia and has permanent paralysis of both legs
33 or the lower parts of the body resulting from injuries sustained
34 through enemy action or accident while in such active military or
35 naval service, for the construction of a home to domicile him, or to
36 any organization or association of veterans, for the construction of a
37 home or homes to domicile paraplegic veterans, with powers to
38 convey said lands and premises to the paraplegic veteran or
39 veterans on whose behalf said organization or association shall
40 acquire title to said land, or

41 (e) Any duly incorporated nonprofit association or any regional
42 commission or authority composed of one or more municipalities or
43 one or more counties for the construction or maintenance thereon of
44 an animal shelter, or

45 (f) Any duly incorporated nonprofit historical society for the
46 acquisition of publicly owned historic sites for their restoration,
47 preservation, improvement and utilization for the benefit of the
48 general public, or

- 1 (g) Any duly incorporated nonprofit cemetery organization or
2 association serving the residents of the municipality or county, or
3 (h) Any duly incorporated nonprofit organization for the
4 principal purpose of the education or treatment of persons afflicted
5 with developmental disabilities including cerebral palsy, or
6 (i) Any county or municipal sewerage authority serving the
7 residents of the county or municipality, for the use thereof for
8 sewerage authority purposes, or
9 (j) Any duly incorporated nonprofit organization for the
10 purpose of building or rehabilitating residential property for resale.
11 Any profits from the resale of the property shall be applied by the
12 nonprofit organization to the costs of acquiring and rehabilitating
13 other residential property in need of rehabilitation owned by the
14 county or municipality, or
15 (k) Any duly incorporated nonprofit organization or association,
16 other than a political, partisan, sectarian, denominational or
17 religious organization or association, which includes among its
18 principal purposes the provision of educational, gardening,
19 recreational, medical or social services to the general public,
20 including residents of the county or municipality, or
21 (l) Any duly incorporated nonprofit housing corporation or any
22 limited-dividend housing corporation or housing association
23 organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.) for the
24 purpose of constructing housing for low or moderate income
25 persons or families or handicapped persons, or
26 (m) Any duly incorporated nonprofit hospice organization whose
27 principal purpose is to provide hospice services to the terminally ill,
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32 third or fourth class] municipality, provided that the nonprofit
33 organization or association is not controlled, directly or indirectly,
34 by any agricultural, commercial, or other business. The nonprofit
35 organization or association shall be authorized to sell fresh fruits
36 and vegetables either on the land that was conveyed, off that land,
37 or both, provided, that the sales are related and incidental to the
38 non-profit purposes of the organization or association and the net
39 proceeds received by the nonprofit organization or association are
40 used to further the non-profit purposes of the organization or
41 association.
42 Whenever a sale of property is proposed pursuant to subsection
43 (k), for gardening, or subsection (n) of this section, the county or
44 municipality shall comply with all notice requirements for an
45 application for development under section 7.1 of P.L.1975, c.291
46 (C.40:55D-12).
47 (cf: P.L.2011, c.35, s.3)

1 4. R.S.54:4-3.6 is amended to read as follows:
2 54:4-3.6. The following property shall be exempt from taxation
3 under this chapter: all buildings actually used for colleges, schools,
4 academies or seminaries, provided that if any portion of such
5 buildings are leased to profit-making organizations or otherwise
6 used for purposes which are not themselves exempt from taxation,
7 said portion shall be subject to taxation and the remaining portion
8 only shall be exempt; all buildings actually used for historical
9 societies, associations or exhibitions, when owned by the State,
10 county or any political subdivision thereof or when located on land
11 owned by an educational institution which derives its primary
12 support from State revenue; all buildings actually and exclusively
13 used for public libraries, asylum or schools for adults and children
14 with intellectual disabilities; all buildings used exclusively by any
15 association or corporation formed for the purpose and actually
16 engaged in the work of preventing cruelty to animals; all buildings
17 actually and exclusively used and owned by volunteer first-aid
18 squads, which squads are or shall be incorporated as associations
19 not for pecuniary profit; all buildings actually used in the work of
20 associations and corporations organized exclusively for the moral
21 and mental improvement of men, women and children, provided
22 that if any portion of a building used for that purpose is leased to
23 profit-making organizations or is otherwise used for purposes which
24 are not themselves exempt from taxation, that portion shall be
25 subject to taxation and the remaining portion only shall be exempt;
26 all buildings actually used in the work of associations and
27 corporations organized exclusively for religious purposes, including
28 religious worship, or charitable purposes, provided that if any
29 portion of a building used for that purpose is leased to a profit-
30 making organization or is otherwise used for purposes which are not
31 themselves exempt from taxation, that portion shall be subject to
32 taxation and the remaining portion shall be exempt from taxation,
33 and provided further that if any portion of a building is used for a
34 different exempt use by an exempt entity, that portion shall also be
35 exempt from taxation; all buildings actually used in the work of
36 associations and corporations organized exclusively for hospital
37 purposes, provided that if any portion of a building used for hospital
38 purposes is leased to profit-making organizations or otherwise used
39 for purposes which are not themselves exempt from taxation, that
40 portion shall be subject to taxation and the remaining portion only
41 shall be exempt; all buildings owned or held by an association or
42 corporation created for the purpose of holding the title to such
43 buildings as are actually and exclusively used in the work of two or
44 more associations or corporations organized exclusively for the
45 moral and mental improvement of men, women and children; all
46 buildings owned by a corporation created under or otherwise
47 subject to the provisions of Title 15 of the Revised Statutes or Title
48 15A of the New Jersey Statutes and actually and exclusively used in

1 the work of one or more associations or corporations organized
2 exclusively for charitable or religious purposes, which associations
3 or corporations may or may not pay rent for the use of the premises
4 or the portions of the premises used by them; the buildings, not
5 exceeding two, actually occupied as a parsonage by the officiating
6 clergymen of any religious corporation of this State, together with
7 the accessory buildings located on the same premises; the land
8 whereon any of the buildings hereinbefore mentioned are erected,
9 and which may be necessary for the fair enjoyment thereof, and
10 which is devoted to the purposes above mentioned and to no other
11 purpose and does not exceed five acres in extent; the furniture and
12 personal property in said buildings if used in and devoted to the
13 purposes above mentioned; all property owned and used by any
14 nonprofit corporation in connection with its curriculum, work, care,
15 treatment and study of men, women, or children with intellectual
16 disabilities shall also be exempt from taxation, provided that such
17 corporation conducts and maintains research or professional
18 training facilities for the care and training of men, women, or
19 children with intellectual disabilities; provided, in case of all the
20 foregoing, the buildings, or the lands on which they stand, or the
21 associations, corporations or institutions using and occupying them
22 as aforesaid, are not conducted for profit, except that the exemption
23 of the buildings and lands used for charitable, benevolent or
24 religious purposes shall extend to cases where the charitable,
25 benevolent or religious work therein carried on is supported partly
26 by fees and charges received from or on behalf of beneficiaries
27 using or occupying the buildings; provided the building is wholly
28 controlled by and the entire income therefrom is used for said
29 charitable, benevolent or religious purposes; and any tract of land
30 purchased pursuant to subsection (n) of section 21 of P.L.1971,
31 c.199 (C.40A:12-21), and located within a [city of the first, second,
32 third or fourth class] municipality, actually used for the cultivation
33 and sale of fresh fruits and vegetables and owned by a duly
34 incorporated nonprofit organization or association which includes
35 among its principal purposes the cultivation and sale of fresh fruits
36 and vegetables, other than a political, partisan, sectarian,
37 denominational or religious organization or association. The
38 foregoing exemption shall apply only where the association,
39 corporation or institution claiming the exemption owns the property
40 in question and is incorporated or organized under the laws of this
41 State and authorized to carry out the purposes on account of which
42 the exemption is claimed or where an educational institution, as
43 provided herein, has leased said property to a historical society or
44 association or to a corporation organized for such purposes and
45 created under or otherwise subject to the provisions of Title 15 of
46 the Revised Statutes or Title 15A of the New Jersey Statutes.

47 As used in this section "hospital purposes" includes health care
48 facilities for the elderly, such as nursing homes; residential health

S2956 VITALE, RICE

9

1 care facilities; assisted living residences; facilities with a Class C
2 license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the
3 “Rooming and Boarding House Act of 1979”; similar facilities that
4 provide medical, nursing or personal care services to their residents;
5 and that portion of the central administrative or service facility of a
6 continuing care retirement community that is reasonably allocable
7 as a health care facility for the elderly.
8 (cf: P.L.2011, c.35, s.4)

9

10 5. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill amends various parts of the statutory law to allow all
16 municipalities to sell and lease public property not needed for
17 public purposes to certain nonprofit entities for “urban” farming
18 and gardening purposes. Under current law, this practice is
19 restricted to municipalities located in cities of the first, second,
20 third or fourth class.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2956

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Senate Community and Urban Affairs Committee reports favorably Senate, No. 2956.

This bill amends various parts of the statutory law to allow all municipalities to sell and lease public property not needed for public purposes to certain nonprofit entities for “urban” farming and gardening purposes. Under current law, this practice is restricted to municipalities that are cities of the first, second, third, or fourth class.