

40A:12A-5

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 155
NJSA: 40A:12A-5 (Area in need of redevelopment)
BILL NO: A759 (Substituted for S1942)

SPONSOR(S): Zecker

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Housing

SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 27, 2000

SENATE: June 28, 2001

DATE OF APPROVAL: July 13, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

A759

SPONSORS STATEMENT: (Begins on page 5 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1942

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT:

ASSEMBLY: No

SENATE: Yes

Identical to Assembly Statement for A759

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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ASSEMBLY, No. 759

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman GERALD H. ZECKER

District 34 (Essex and Passaic)

SYNOPSIS

Revises determination of "area in need of redevelopment" in "Local Redevelopment and Housing Law."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A759 ZECKER

2

1 AN ACT concerning the abatement or exemption of taxes in certain
2 circumstances and amending P.L.1992, c.79.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 5 of P.L.1992, c.79 (C.40A:12A-5) is amended to read
8 as follows:

9 5. A delineated area may be determined to be in need of
10 redevelopment if, after investigation, notice and hearing as provided
11 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body of
12 the municipality by resolution concludes that within the delineated area
13 any of the following conditions is found:

14 a. The generality of buildings are substandard, unsafe, unsanitary,
15 dilapidated, or obsolescent, or possess any of such characteristics, or
16 are so lacking in light, air, or space, as to be conducive to
17 unwholesome living or working conditions.

18 b. The discontinuance of the use of buildings previously used for
19 commercial, manufacturing, or industrial purposes; the abandonment
20 of such buildings; or the same being allowed to fall into so great a
21 state of disrepair as to be untenable.

22 c. Land that is owned by the municipality, the county, a local
23 housing authority, redevelopment agency or redevelopment entity, or
24 unimproved vacant land that has remained so for a period of ten years
25 prior to adoption of the resolution, and that by reason of its location,
26 remoteness, lack of means of access to developed sections or portions
27 of the municipality, or topography, or nature of the soil, is not likely
28 to be developed through the instrumentality of private capital.

29 d. Areas with buildings or improvements which, by reason of
30 dilapidation, obsolescence, overcrowding, faulty arrangement or
31 design, lack of ventilation, light and sanitary facilities, excessive land
32 coverage, deleterious land use or obsolete layout, or any combination
33 of these or other factors, are detrimental to the safety, health, morals,
34 or welfare of the community.

35 e. A growing lack or total lack of proper utilization of areas caused
36 by the condition of the title, diverse ownership of the real property
37 therein or other conditions, resulting in a stagnant or not fully
38 productive condition of land potentially useful and valuable for
39 contributing to and serving the public health, safety and welfare.

40 f. Areas, in excess of five contiguous acres, whereon buildings or
41 improvements have been destroyed, consumed by fire, demolished or
42 altered by the action of storm, fire, cyclone, tornado, earthquake or

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

Matter underlined thus is new matter.

1 other casualty in such a way that the aggregate assessed value of the
2 area has been materially depreciated.

3 g. In any municipality in which an enterprise zone has been
4 designated pursuant to the "New Jersey Urban Enterprise Zones Act,"
5 P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions
6 prescribed in that act for the adoption by the municipality and approval
7 by the New Jersey Urban Enterprise Zone Authority of the zone
8 development plan for the area of the enterprise zone shall be
9 considered sufficient for the determination that the area is in need of
10 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
11 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax
12 exemptions within the enterprise zone district pursuant to the
13 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of
14 a tax abatement and exemption ordinance pursuant to the provisions
15 of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not
16 utilize any other redevelopment powers within the urban enterprise
17 zone unless the municipal governing body and planning board have
18 also taken the actions and fulfilled the requirements prescribed in
19 P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is
20 in need of redevelopment or an area in need of rehabilitation and the
21 municipal governing body has adopted a redevelopment plan ordinance
22 including the area of the enterprise zone.

23 h. More than half of the housing stock in the municipality, or the
24 delineated area, is 50 years old or older, or a majority of the water or
25 sewer infrastructure in the municipality, or delineated area, is 50 years
26 old or older and in need of repair or substantial maintenance.

27 (cf: P.L.1992, c.79, s.5)

28

29 2. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to read
30 as follows:

31 6. a. No area of a municipality shall be determined a redevelopment
32 area unless the governing body of the municipality shall, by resolution,
33 authorize the planning board to undertake a preliminary investigation
34 to determine whether the proposed area is a redevelopment area
35 according to the criteria set forth in section 5 of P.L.1992, c.79
36 (C.40A:12A-5). Such determination shall be made after public notice
37 and public hearing as provided in subsection b. of this section. The
38 governing body of a municipality shall assign the conduct of the
39 investigation and hearing to the planning board of the municipality.

40 b. (1) Before proceeding to a public hearing on the matter, the
41 planning board shall prepare a map showing the boundaries of the
42 proposed redevelopment area and the location of the various parcels
43 of property included therein. There shall be appended to the map a
44 statement setting forth the basis for the investigation.

45 (2) The planning board shall specify a date for and give notice of
46 a hearing for the purpose of hearing persons who are interested in or

1 would be affected by a determination that the delineated area is a
2 redevelopment area.

3 (3) The hearing notice shall set forth the general boundaries of the
4 area to be investigated and state that a map has been prepared and can
5 be inspected at the office of the municipal clerk. A copy of the notice
6 shall be published in a newspaper of general circulation in the
7 municipality once each week for two consecutive weeks, and the last
8 publication shall be not less than ten days prior to the date set for the
9 hearing. A copy of the notice shall be mailed at least ten days prior to
10 the date set for the hearing to the last owner, if any, of each parcel of
11 property within the area according to the assessment records of the
12 municipality. A notice shall also be sent to all persons at their last
13 known address, if any, whose names are noted on the assessment
14 records as claimants of an interest in any such parcel. The assessor of
15 the municipality shall make a notation upon the records when
16 requested to do so by any person claiming to have an interest in any
17 parcel of property in the municipality. The notice shall be published
18 and mailed by the municipal clerk, or by such clerk or official as the
19 planning board shall otherwise designate. Failure to mail any such
20 notice shall not invalidate the investigation or determination thereon.

21 (4) At the hearing, which may be adjourned from time to time, the
22 planning board shall hear all persons who are interested in or would be
23 affected by a determination that the delineated area is a redevelopment
24 area. All objections to such a determination and evidence in support
25 of those objections, given orally or in writing, shall be received and
26 considered and made part of the public record.

27 (5) After completing its hearing on this matter, the planning board
28 shall recommend that the delineated area, or any part thereof, be
29 determined, or not be determined, by the municipal governing body to
30 be a redevelopment area. After receiving the recommendation of the
31 planning board, the municipal governing body may adopt a resolution
32 determining that the delineated area, or any part thereof, is a
33 redevelopment area. The determination, if supported by substantial
34 evidence, shall be binding and conclusive upon all persons affected by
35 the determination. Notice of the determination shall be served, within
36 10 days after the determination, upon each person who filed a written
37 objection thereto and stated, in or upon the written submission, an
38 address to which notice of determination may be sent.

39 (6) If written objections were filed in connection with the hearing,
40 the municipality shall, for 45 days next following its determination to
41 which the objections were filed, take no further action to acquire any
42 property by condemnation within the redevelopment area.

43 (7) If a person who filed a written objection to a determination by
44 the municipality pursuant to this subsection shall, within 45 days after
45 the adoption by the municipality of the determination to which the
46 person objected, apply to the Superior Court, the court may grant

1 further review of the determination by procedure in lieu of prerogative
2 writ; and in any such action the court may make any incidental order
3 that it deems proper.

4 c. An area determined to be in need of redevelopment pursuant to
5 this section, except for an area determined to be in need of
6 redevelopment pursuant to subsection h. of section 5 of P.L.1992,
7 c.79 (C.40A:12A-5), shall be deemed to be a "blighted area" for the
8 purposes of Article VIII, Section III, paragraph 1 of the Constitution.
9 An area in need of redevelopment pursuant to subsection h. of
10 P.L. , c. (C.) (now pending before the Legislature as this
11 bill) shall be deemed an area in need of rehabilitation pursuant to
12 article VIII, Section I, paragraph 6 of the Constitution. If an area is
13 determined to be a redevelopment area and a redevelopment plan is
14 adopted for that area in accordance with the provisions of this act, the
15 municipality is authorized to utilize all those powers provided in
16 section 8 of P.L.1992, c.79 (C.40A:12A-8).
17 (cf: P.L.1992, c.79, s.6)

18

19 3. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill revises the "Local Redevelopment and Housing Law,"
25 P.L.1992, c.79 (C.40A:12A-1 et seq.) to provide that a delineated area
26 in a municipality may be determined to be in need of redevelopment if
27 more than half of the housing stock in the municipality, or the
28 delineated area, is 50 years old or older, or a majority of the water or
29 sewer infrastructure in the municipality, or delineated area, is 50 years
30 old or older and in need of repair or substantial maintenance.

31 It is the intent of the sponsor that the provisions of this bill will
32 encourage the rehabilitation of housing stock in older areas of the
33 State.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 759

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2000

The Assembly Housing Committee reports favorably and with committee amendments Assembly Bill No. 759.

This bill, as amended, revises the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) to provide that a delineated area in a municipality may be determined to be in need of rehabilitation if more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

The committee amended the bill to reflect the sponsors' intent that the bill encourage the rehabilitation of housing stock in older areas of the State. The bill, as introduced, amends a section of the "Local Redevelopment and Housing Law" concerning determination of areas in need of redevelopment. The amendments leave that section intact, and amend instead the section of that act concerning municipal determination of areas in need of rehabilitation.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

[First Reprint]

ASSEMBLY, No. 759

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman GERALD H. ZECKER

District 34 (Essex and Passaic)

Co-Sponsored by:

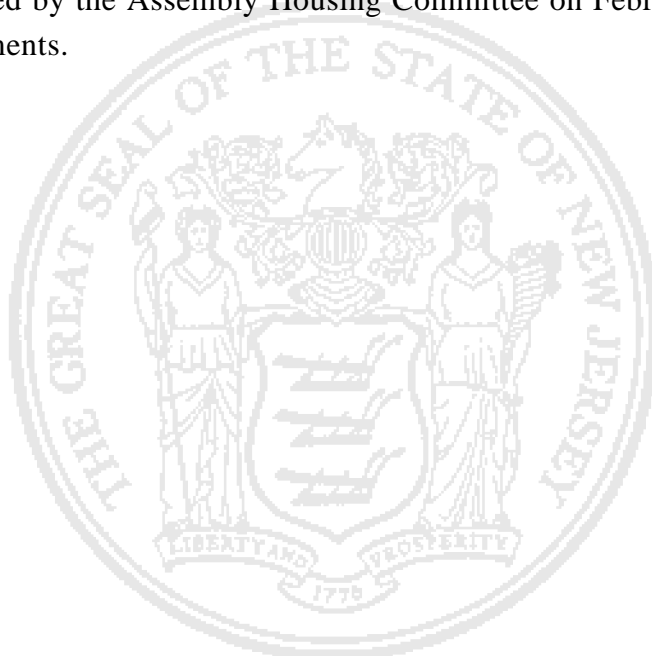
Assemblyman Conaway and Senator Robertson

SYNOPSIS

Revises determination of "area in need of redevelopment" in "Local Redevelopment and Housing Law."

CURRENT VERSION OF TEXT

As reported by the Assembly Housing Committee on February 28, 2000, with amendments.



(Sponsorship Updated As Of: 6/29/2001)

1 AN ACT concerning the abatement or exemption of taxes in certain
2 circumstances and amending P.L.1992, c.79.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹[1. Section 5 of P.L.1992, c.79 (C.40A:12A-5) is amended to
8 read as follows:

9 5. A delineated area may be determined to be in need of
10 redevelopment if, after investigation, notice and hearing as provided
11 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body of
12 the municipality by resolution concludes that within the delineated area
13 any of the following conditions is found:

14 a. The generality of buildings are substandard, unsafe, unsanitary,
15 dilapidated, or obsolescent, or possess any of such characteristics, or
16 are so lacking in light, air, or space, as to be conducive to
17 unwholesome living or working conditions.

18 b. The discontinuance of the use of buildings previously used for
19 commercial, manufacturing, or industrial purposes; the abandonment
20 of such buildings; or the same being allowed to fall into so great a
21 state of disrepair as to be untenable.

22 c. Land that is owned by the municipality, the county, a local
23 housing authority, redevelopment agency or redevelopment entity, or
24 unimproved vacant land that has remained so for a period of ten years
25 prior to adoption of the resolution, and that by reason of its location,
26 remoteness, lack of means of access to developed sections or portions
27 of the municipality, or topography, or nature of the soil, is not likely
28 to be developed through the instrumentality of private capital.

29 d. Areas with buildings or improvements which, by reason of
30 dilapidation, obsolescence, overcrowding, faulty arrangement or
31 design, lack of ventilation, light and sanitary facilities, excessive land
32 coverage, deleterious land use or obsolete layout, or any combination
33 of these or other factors, are detrimental to the safety, health, morals,
34 or welfare of the community.

35 e. A growing lack or total lack of proper utilization of areas caused
36 by the condition of the title, diverse ownership of the real property
37 therein or other conditions, resulting in a stagnant or not fully
38 productive condition of land potentially useful and valuable for
39 contributing to and serving the public health, safety and welfare.

40 f. Areas, in excess of five contiguous acres, whereon buildings or
41 improvements have been destroyed, consumed by fire, demolished or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHO committee amendments adopted February 28, 2000.

1 altered by the action of storm, fire, cyclone, tornado, earthquake or
2 other casualty in such a way that the aggregate assessed value of the
3 area has been materially depreciated.

4 g. In any municipality in which an enterprise zone has been
5 designated pursuant to the "New Jersey Urban Enterprise Zones Act,"
6 P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions
7 prescribed in that act for the adoption by the municipality and approval
8 by the New Jersey Urban Enterprise Zone Authority of the zone
9 development plan for the area of the enterprise zone shall be
10 considered sufficient for the determination that the area is in need of
11 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
12 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax
13 exemptions within the enterprise zone district pursuant to the
14 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of
15 a tax abatement and exemption ordinance pursuant to the provisions
16 of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not
17 utilize any other redevelopment powers within the urban enterprise
18 zone unless the municipal governing body and planning board have
19 also taken the actions and fulfilled the requirements prescribed in
20 P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is
21 in need of redevelopment or an area in need of rehabilitation and the
22 municipal governing body has adopted a redevelopment plan ordinance
23 including the area of the enterprise zone.

24 h. More than half of the housing stock in the municipality, or the
25 delineated area, is 50 years old or older, or a majority of the water or
26 sewer infrastructure in the municipality, or delineated area, is 50 years
27 old or older and in need of repair or substantial maintenance.
28 (cf: P.L.1992, c.79, s.5)]¹

29

30 ¹1. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to
31 read as follows:

32 14. a. A delineated area may be determined to be in need of
33 rehabilitation if the governing body of the municipality determines by
34 resolution that there exist in that area conditions such that (1) a
35 significant portion of structures therein are in a deteriorated or
36 substandard condition[, (2)] and there is a continuing pattern of
37 vacancy, abandonment or underutilization of properties in the area,
38 with a persistent arrearage of property tax payments thereon [.,] or (2)
39 more than half of the housing stock in the delineated area is at least 50
40 years old, or a majority of the water and sewer infrastructure in the
41 delineated area is at least 50 years old and is in need of repair or
42 substantial maintenance; and (3) a program of rehabilitation, as defined
43 in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to
44 prevent further deterioration and promote the overall development of
45 the community. Where warranted by consideration of the overall
46 conditions and requirements of the community, a finding of need for

1 rehabilitation may extend to the entire area of a municipality. Prior to
2 adoption of the resolution, the governing body shall submit it to the
3 municipal planning board for its review. Within 45 days of its receipt
4 of the proposed resolution, the municipal planning board shall submit
5 its recommendations regarding the proposed resolution, including any
6 modifications which it may recommend, to the governing body for its
7 consideration. Thereafter, or after the expiration of the 45 days if the
8 municipal planning board does not submit recommendations, the
9 governing body may adopt the resolution, with or without
10 modification.

11 b. A delineated area shall be deemed to have been determined to be
12 an area in need of rehabilitation in accordance with the provisions of
13 this act if it has heretofore been determined to be an area in need of
14 rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.),
15 P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121
16 et seq.).¹

17 (cf: P.L.1992, c.79, s.14)

18

19 ¹[2. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to
20 read as follows:

21 6. a. No area of a municipality shall be determined a redevelopment
22 area unless the governing body of the municipality shall, by resolution,
23 authorize the planning board to undertake a preliminary investigation
24 to determine whether the proposed area is a redevelopment area
25 according to the criteria set forth in section 5 of P.L.1992, c.79
26 (C.40A:12A-5). Such determination shall be made after public notice
27 and public hearing as provided in subsection b. of this section. The
28 governing body of a municipality shall assign the conduct of the
29 investigation and hearing to the planning board of the municipality.

30 b. (1) Before proceeding to a public hearing on the matter, the
31 planning board shall prepare a map showing the boundaries of the
32 proposed redevelopment area and the location of the various parcels
33 of property included therein. There shall be appended to the map a
34 statement setting forth the basis for the investigation.

35 (2) The planning board shall specify a date for and give notice of
36 a hearing for the purpose of hearing persons who are interested in or
37 would be affected by a determination that the delineated area is a
38 redevelopment area.

39 (3) The hearing notice shall set forth the general boundaries of the
40 area to be investigated and state that a map has been prepared and can
41 be inspected at the office of the municipal clerk. A copy of the notice
42 shall be published in a newspaper of general circulation in the
43 municipality once each week for two consecutive weeks, and the last
44 publication shall be not less than ten days prior to the date set for the
45 hearing. A copy of the notice shall be mailed at least ten days prior to
46 the date set for the hearing to the last owner, if any, of each parcel of

1 property within the area according to the assessment records of the
2 municipality. A notice shall also be sent to all persons at their last
3 known address, if any, whose names are noted on the assessment
4 records as claimants of an interest in any such parcel. The assessor of
5 the municipality shall make a notation upon the records when
6 requested to do so by any person claiming to have an interest in any
7 parcel of property in the municipality. The notice shall be published
8 and mailed by the municipal clerk, or by such clerk or official as the
9 planning board shall otherwise designate. Failure to mail any such
10 notice shall not invalidate the investigation or determination thereon.

11 (4) At the hearing, which may be adjourned from time to time, the
12 planning board shall hear all persons who are interested in or would be
13 affected by a determination that the delineated area is a redevelopment
14 area. All objections to such a determination and evidence in support
15 of those objections, given orally or in writing, shall be received and
16 considered and made part of the public record.

17 (5) After completing its hearing on this matter, the planning board
18 shall recommend that the delineated area, or any part thereof, be
19 determined, or not be determined, by the municipal governing body to
20 be a redevelopment area. After receiving the recommendation of the
21 planning board, the municipal governing body may adopt a resolution
22 determining that the delineated area, or any part thereof, is a
23 redevelopment area. The determination, if supported by substantial
24 evidence, shall be binding and conclusive upon all persons affected by
25 the determination. Notice of the determination shall be served, within
26 10 days after the determination, upon each person who filed a written
27 objection thereto and stated, in or upon the written submission, an
28 address to which notice of determination may be sent.

29 (6) If written objections were filed in connection with the hearing,
30 the municipality shall, for 45 days next following its determination to
31 which the objections were filed, take no further action to acquire any
32 property by condemnation within the redevelopment area.

33 (7) If a person who filed a written objection to a determination by
34 the municipality pursuant to this subsection shall, within 45 days after
35 the adoption by the municipality of the determination to which the
36 person objected, apply to the Superior Court, the court may grant
37 further review of the determination by procedure in lieu of prerogative
38 writ; and in any such action the court may make any incidental order
39 that it deems proper.

40 c. An area determined to be in need of redevelopment pursuant to
41 this section, except for an area determined to be in need of
42 redemption pursuant to subsection h. of section 5 of P.L.1992,
43 c.79 (C.40A:12A-5), shall be deemed to be a "blighted area" for the
44 purposes of Article VIII, Section III, paragraph 1 of the Constitution.
45 An area in need of redemption pursuant to subsection h. of
46 P.L. , c. (C.) (now pending before the Legislature as this

1 bill) shall be deemed an area in need of rehabilitation pursuant to
2 article VIII, Section I, paragraph 6 of the Constitution. If an area is
3 determined to be a redevelopment area and a redevelopment plan is
4 adopted for that area in accordance with the provisions of this act, the
5 municipality is authorized to utilize all those powers provided in
6 section 8 of P.L.1992, c.79 (C.40A:12A-8).
7 (cf: P.L.1992, c.79, s.6)]¹

8

9 ¹[3.] 2.¹ This act shall take effect immediately.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 759

STATE OF NEW JERSEY

DATED: JANUARY 9, 2001

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 759 (1R).

This bill would revise the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) to provide that a delineated area in a municipality may be determined to be in need of rehabilitation if more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

The bill is identical to Senate Bill No. 1942 which also was favorably reported by the committee on January 9, 2001.

SENATE, No. 1942

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED DECEMBER 14, 2000

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

SYNOPSIS

Revises determination of "area in need of redevelopment" in "Local Redevelopment and Housing Law."

CURRENT VERSION OF TEXT

As introduced.



S1942 ROBERTSON

2

1 **AN ACT** concerning the abatement or exemption of taxes in certain
2 circumstances and amending P.L.1992, c.79.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to
8 read as follows:

9 14. a. A delineated area may be determined to be in need of
10 rehabilitation if the governing body of the municipality determines by
11 resolution that there exist in that area conditions such that (1) a
12 significant portion of structures therein are in a deteriorated or
13 substandard condition[, (2)] and there is a continuing pattern of
14 vacancy, abandonment or underutilization of properties in the area,
15 with a persistent arrearage of property tax payments thereon [,] or (2)
16 more than half of the housing stock in the delineated area is at least 50
17 years old, or a majority of the water and sewer infrastructure in the
18 delineated area is at least 50 years old and is in need of repair or
19 substantial maintenance; and (3) a program of rehabilitation, as defined
20 in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to
21 prevent further deterioration and promote the overall development of
22 the community. Where warranted by consideration of the overall
23 conditions and requirements of the community, a finding of need for
24 rehabilitation may extend to the entire area of a municipality. Prior to
25 adoption of the resolution, the governing body shall submit it to the
26 municipal planning board for its review. Within 45 days of its receipt
27 of the proposed resolution, the municipal planning board shall submit
28 its recommendations regarding the proposed resolution, including any
29 modifications which it may recommend, to the governing body for its
30 consideration. Thereafter, or after the expiration of the 45 days if the
31 municipal planning board does not submit recommendations, the
32 governing body may adopt the resolution, with or without
33 modification.

34 b. A delineated area shall be deemed to have been determined to be
35 an area in need of rehabilitation in accordance with the provisions of
36 this act if it has heretofore been determined to be an area in need of
37 rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.),
38 P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121
39 et seq.).

40 (cf: P.L.1992, c.79, s.14)

41

42 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

S1942 ROBERTSON

3

1

STATEMENT

2

3 This bill revises the "Local Redevelopment and Housing Law,"
4 P.L.1992, c.79 (C.40A:12A-1 et seq.) to provide that a delineated area
5 in a municipality may be determined to be in need of rehabilitation if
6 more than half of the housing stock in the delineated area is at least 50
7 years old, or a majority of the water and sewer infrastructure in the
8 delineated area is at least 50 years old and is in need of repair or
9 substantial maintenance.

10 This bill's intent is to encourage the rehabilitation of housing stock
11 in older areas of the State.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1942

STATE OF NEW JERSEY

DATED: JANUARY 9, 2001

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1942.

This bill would revise the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) to provide that a delineated area in a municipality may be determined to be in need of rehabilitation if more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

The bill is identical to Assembly Bill No. 759(1R) which also was favorably reported by the committee on January 9, 2001.

P.L. 2001, CHAPTER 155, *approved July 13, 2001*
Assembly, No. 759 (*First Reprint*)

1 **AN ACT** concerning the abatement or exemption of taxes in certain
2 circumstances and amending P.L.1992, c.79.

3

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

6

7 ¹[1. Section 5 of P.L.1992, c.79 (C.40A:12A-5) is amended to
8 read as follows:

9 5. A delineated area may be determined to be in need of
10 redevelopment if, after investigation, notice and hearing as provided
11 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body of
12 the municipality by resolution concludes that within the delineated area
13 any of the following conditions is found:

14 a. The generality of buildings are substandard, unsafe, unsanitary,
15 dilapidated, or obsolescent, or possess any of such characteristics, or
16 are so lacking in light, air, or space, as to be conducive to
17 unwholesome living or working conditions.

18 b. The discontinuance of the use of buildings previously used for
19 commercial, manufacturing, or industrial purposes; the abandonment
20 of such buildings; or the same being allowed to fall into so great a
21 state of disrepair as to be untenable.

22 c. Land that is owned by the municipality, the county, a local
23 housing authority, redevelopment agency or redevelopment entity, or
24 unimproved vacant land that has remained so for a period of ten years
25 prior to adoption of the resolution, and that by reason of its location,
26 remoteness, lack of means of access to developed sections or portions
27 of the municipality, or topography, or nature of the soil, is not likely
28 to be developed through the instrumentality of private capital.

29 d. Areas with buildings or improvements which, by reason of
30 dilapidation, obsolescence, overcrowding, faulty arrangement or
31 design, lack of ventilation, light and sanitary facilities, excessive land
32 coverage, deleterious land use or obsolete layout, or any combination
33 of these or other factors, are detrimental to the safety, health, morals,
34 or welfare of the community.

35 e. A growing lack or total lack of proper utilization of areas caused
36 by the condition of the title, diverse ownership of the real property
37 therein or other conditions, resulting in a stagnant or not fully
38 productive condition of land potentially useful and valuable for
39 contributing to and serving the public health, safety and welfare.

40 f. Areas, in excess of five contiguous acres, whereon buildings or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ **Assembly AHO committee amendments adopted February 28, 2000.**

1 improvements have been destroyed, consumed by fire, demolished or
2 altered by the action of storm, fire, cyclone, tornado, earthquake or
3 other casualty in such a way that the aggregate assessed value of the
4 area has been materially depreciated.

5 g. In any municipality in which an enterprise zone has been
6 designated pursuant to the "New Jersey Urban Enterprise Zones Act,"
7 P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions
8 prescribed in that act for the adoption by the municipality and approval
9 by the New Jersey Urban Enterprise Zone Authority of the zone
10 development plan for the area of the enterprise zone shall be
11 considered sufficient for the determination that the area is in need of
12 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
13 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax
14 exemptions within the enterprise zone district pursuant to the
15 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of
16 a tax abatement and exemption ordinance pursuant to the provisions
17 of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not
18 utilize any other redevelopment powers within the urban enterprise
19 zone unless the municipal governing body and planning board have
20 also taken the actions and fulfilled the requirements prescribed in
21 P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is
22 in need of redevelopment or an area in need of rehabilitation and the
23 municipal governing body has adopted a redevelopment plan ordinance
24 including the area of the enterprise zone.

25 h. More than half of the housing stock in the municipality, or the
26 delineated area, is 50 years old or older, or a majority of the water or
27 sewer infrastructure in the municipality, or delineated area, is 50 years
28 old or older and in need of repair or substantial maintenance.
29 (cf: P.L.1992, c.79, s.5)]¹

30

31 ¹1. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to
32 read as follows:

33 14. a. A delineated area may be determined to be in need of
34 rehabilitation if the governing body of the municipality determines by
35 resolution that there exist in that area conditions such that (1) a
36 significant portion of structures therein are in a deteriorated or
37 substandard condition[, (2)] and there is a continuing pattern of
38 vacancy, abandonment or underutilization of properties in the area,
39 with a persistent arrearage of property tax payments thereon [,] or (2)
40 more than half of the housing stock in the delineated area is at least 50
41 years old, or a majority of the water and sewer infrastructure in the
42 delineated area is at least 50 years old and is in need of repair or
43 substantial maintenance; and (3) a program of rehabilitation, as defined
44 in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to
45 prevent further deterioration and promote the overall development of
46 the community. Where warranted by consideration of the overall

1 conditions and requirements of the community, a finding of need for
2 rehabilitation may extend to the entire area of a municipality. Prior to
3 adoption of the resolution, the governing body shall submit it to the
4 municipal planning board for its review. Within 45 days of its receipt
5 of the proposed resolution, the municipal planning board shall submit
6 its recommendations regarding the proposed resolution, including any
7 modifications which it may recommend, to the governing body for its
8 consideration. Thereafter, or after the expiration of the 45 days if the
9 municipal planning board does not submit recommendations, the
10 governing body may adopt the resolution, with or without
11 modification.

12 b. A delineated area shall be deemed to have been determined to be
13 an area in need of rehabilitation in accordance with the provisions of
14 this act if it has heretofore been determined to be an area in need of
15 rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.),
16 P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121
17 et seq.).¹
18 (cf: P.L.1992, c.79, s.14)

19

20 ¹[2. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to
21 read as follows:

22 6. a. No area of a municipality shall be determined a redevelopment
23 area unless the governing body of the municipality shall, by resolution,
24 authorize the planning board to undertake a preliminary investigation
25 to determine whether the proposed area is a redevelopment area
26 according to the criteria set forth in section 5 of P.L.1992, c.79
27 (C.40A:12A-5). Such determination shall be made after public notice
28 and public hearing as provided in subsection b. of this section. The
29 governing body of a municipality shall assign the conduct of the
30 investigation and hearing to the planning board of the municipality.

31 b. (1) Before proceeding to a public hearing on the matter, the
32 planning board shall prepare a map showing the boundaries of the
33 proposed redevelopment area and the location of the various parcels
34 of property included therein. There shall be appended to the map a
35 statement setting forth the basis for the investigation.

36 (2) The planning board shall specify a date for and give notice of
37 a hearing for the purpose of hearing persons who are interested in or
38 would be affected by a determination that the delineated area is a
39 redevelopment area.

40 (3) The hearing notice shall set forth the general boundaries of the
41 area to be investigated and state that a map has been prepared and can
42 be inspected at the office of the municipal clerk. A copy of the notice
43 shall be published in a newspaper of general circulation in the
44 municipality once each week for two consecutive weeks, and the last
45 publication shall be not less than ten days prior to the date set for the
46 hearing. A copy of the notice shall be mailed at least ten days prior to

1 the date set for the hearing to the last owner, if any, of each parcel of
2 property within the area according to the assessment records of the
3 municipality. A notice shall also be sent to all persons at their last
4 known address, if any, whose names are noted on the assessment
5 records as claimants of an interest in any such parcel. The assessor of
6 the municipality shall make a notation upon the records when
7 requested to do so by any person claiming to have an interest in any
8 parcel of property in the municipality. The notice shall be published
9 and mailed by the municipal clerk, or by such clerk or official as the
10 planning board shall otherwise designate. Failure to mail any such
11 notice shall not invalidate the investigation or determination thereon.

12 (4) At the hearing, which may be adjourned from time to time, the
13 planning board shall hear all persons who are interested in or would be
14 affected by a determination that the delineated area is a redevelopment
15 area. All objections to such a determination and evidence in support
16 of those objections, given orally or in writing, shall be received and
17 considered and made part of the public record.

18 (5) After completing its hearing on this matter, the planning board
19 shall recommend that the delineated area, or any part thereof, be
20 determined, or not be determined, by the municipal governing body to
21 be a redevelopment area. After receiving the recommendation of the
22 planning board, the municipal governing body may adopt a resolution
23 determining that the delineated area, or any part thereof, is a
24 redevelopment area. The determination, if supported by substantial
25 evidence, shall be binding and conclusive upon all persons affected by
26 the determination. Notice of the determination shall be served, within
27 10 days after the determination, upon each person who filed a written
28 objection thereto and stated, in or upon the written submission, an
29 address to which notice of determination may be sent.

30 (6) If written objections were filed in connection with the hearing,
31 the municipality shall, for 45 days next following its determination to
32 which the objections were filed, take no further action to acquire any
33 property by condemnation within the redevelopment area.

34 (7) If a person who filed a written objection to a determination by
35 the municipality pursuant to this subsection shall, within 45 days after
36 the adoption by the municipality of the determination to which the
37 person objected, apply to the Superior Court, the court may grant
38 further review of the determination by procedure in lieu of prerogative
39 writ; and in any such action the court may make any incidental order
40 that it deems proper.

41 c. An area determined to be in need of redevelopment pursuant to
42 this section, except for an area determined to be in need of
43 redemption pursuant to subsection h. of section 5 of P.L.1992,
44 c.79 (C.40A:12A-5), shall be deemed to be a "blighted area" for the
45 purposes of Article VIII, Section III, paragraph 1 of the Constitution.
46 An area in need of redevelopment pursuant to subsection h. of

1 P.L. , c. (C.) (now pending before the Legislature as this
2 bill) shall be deemed an area in need of rehabilitation pursuant to
3 article VIII, Section I, paragraph 6 of the Constitution. If an area is
4 determined to be a redevelopment area and a redevelopment plan is
5 adopted for that area in accordance with the provisions of this act, the
6 municipality is authorized to utilize all those powers provided in
7 section 8 of P.L.1992, c.79 (C.40A:12A-8).

8 (cf: P.L.1992, c.79, s.6)]¹

9

10 ¹[3.] 2.¹ This act shall take effect immediately.

11

12

13

14

15 Revises determination of "area in need of redevelopment" in "Local
16 Redevelopment and Housing Law."

CHAPTER 155

AN ACT concerning the abatement or exemption of taxes in certain circumstances and amending P.L.1992, c.79.

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

1. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to read as follows:

C.40A:12A-14 Conditions for determination of need for rehabilitation.

14. a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exist in that area conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or (2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality. Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification.

b. A delineated area shall be deemed to have been determined to be an area in need of rehabilitation in accordance with the provisions of this act if it has heretofore been determined to be an area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121 et seq.).

2. This act shall take effect immediately.

Approved July 13, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Rae Hutton
609-777-2600

RELEASE: July 13 , 2001

Acting Governor Donald T. DiFrancesco signed the following legislation today:

A-3154, sponsored by Senators Andrew Ciesla (R-Monmouth/Ocean), Joseph Palaia (R-Monmouth), Diane Allen (R-Burlington/Camden) and Assembly members Jeffrey Moran (R-Atlantic/Burlington/Ocean) and Anthony Impreveduto (D-Bergen/Hudson), permits persons who are licensed professional engineers or architects in New Jersey to be licensed as home inspectors, provided they are deemed qualified to do home inspections by the New Jersey Board of Architects or the State Board of Professional Engineers and Land Surveyors.

S-986, sponsored by Senators Robert Martin (R-Essex/Morris/Passaic) and Kevin O'Toole (R-Essex/Union) and Assembly members Joel Weingarten (R-Essex/Union) and Rose Marie Heck (R-Bergen), permits jointure commissions to provide counseling, inclusionary and child study team service for, but not limited to disabled pupils.

S-1736, sponsored by Senator James Cafiero (R-Cape May/Atlantic/ Cumberland) and Assembly members Scott Garrett (R-Sussex/Hunterdon/ Morris) and Connie Myers (R-Warren/Hunterdon/Mercer), exempts certain privately owned campgrounds, hotels, motels, mobile home parks and retirement communities with swimming areas other than pools from certain Department of Health and Senior Services (DHSS) regulations establishing first aid personnel and lifeguard requirements.

SCS-1783/S-1733, sponsored by Senators Jack Sinagra (R-Middlesex), James Cafiero (R-Cape May/Atlantic/Cumberland), John Lynch (D-Middlesex/Somerset/ Union) and Louis Kosco (R-Bergen) and Assembly members George Geist (R-Camden/Gloucester) and Arline Friscia (D-Middlesex), establishes a Supplemental Workforce Administrative Fund for Basic Skills within the Workforce Development Partnership Fund by redirecting a portion of the employers and employee contributions from the unemployment compensation fund to the Supplemental Workforce Administrative Fund For Basic Skills.

A-759, sponsored by Senator Norman Robertson (R-Essex/Passaic) and Assemblyman Gerald Zecker (R-Essex/Passaic), provides that a delineated area in a municipality may be determined to be in need of rehabilitation if more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

A-972, sponsored by Senators Jack Sinagra (R-Middlesex) and John Adler (D-Camden) and Assemblymen Gary Stuhltrager (R-Salem/Cumberland/Gloucester) and John Wisniewski (D-Middlesex), the Athletic Training Licensure Act, requires athletic trainers

to be licensed by, rather than just registered with, the State Board of Medical Examiners (BME) in the Division of Consumer Affairs.

A-3013, sponsored by Senators Diane Allen (R-Burlington/Camden) and Peter Inverso (D-Mercer/Middlesex) and Assemblymen Michael Arnone (R-Monmouth) and Peter Biondi (R-Morris/Somerset), requires the Director of the Division of Local Government Services in the Department of Community Affairs to conduct a study of all municipalities, counties, school districts and regional authorities and districts to determine the number and type of all interlocal services agreements between such local units entered into between August 2, 1973, the effective date of the Interlocal Services Act, and January 1, 2001.

S-1887, sponsored by Senators Martha Bark (R-Atlantic/ Burlington/Camden) and Diane Allen (R-Burlington/Camden) and Assemblyman Leonard Lance (R-Warren/Hunterdon/Mercer), provides for the protection of the assets and distributions from creditors of "Roth" and "Education" individual retirement accounts (IRA) and higher education tuition savings accounts by including these trusts in the definition of "qualifying trust" under New Jersey law. This bill makes qualifying trusts non-exempt from punitive damages awarded in a civil action arising from manslaughter or murder.

SCS-2345, sponsored by Senators Henry McNamara (R-Bergen/Passaic) and John Adler (D-Camden) and Assemblyman Steve Corodemus (R-Monmouth), gives the state additional time to pursue legal actions against those who are responsible for contaminating sites around New Jersey. As a result of this act, responsible parties, not the taxpayers, will continue to be required to pay for the cleanup and the restoration of natural resources injured by that contamination. This bill continues the New Jersey Department of Environmental Protection's authority to require restoration of natural resources injured by a hazardous discharge as part of the remediation process.