

40:55-21.10

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:55-21.10

Laws of 1975 Chapter 276

Bill No. S 1064

Sponsor(s) Dugan

Date Introduced April 4, 1974

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes No

Date of passage: Assembly Dec. 15, 1975

Senate Nov. 25, 1974

Date of approval Jan. 12, 1976

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Cited in sponsor's statement:
974.901 State Commission of Investigation.
I83 Annual Report, 1971.

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CHAPTER 276 LAWS OF NEW JERSEY 1974
APPROVED 1-12-76

SENATE, No. 1064

STATE OF NEW JERSEY

INTRODUCED APRIL 4, 1974.

By Senator DUGAN

Referred to Committee on Judiciary

AN ACT to amend "An act defining 'blighted area,' authorizing municipalities to determine that areas are blighted areas, and to undertake the clearance, replanning, development and redevelopment of such areas," approved May 21, 1949 (P. L. 1949, c. 187).

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

1 1. Section 10 of P. L. 1949, c. 187 (C. 40:55-21.10) is amended
2 to read as follows:

3 10. If the determination is that an area is a blighted area, the
4 governing body of the municipality, upon the approval of a redevelop-
5 ment plan as hereinafter provided, may, but shall not be required
6 to, acquire the real property within the area by purchase, or by
7 eminent domain proceedings, and may proceed with the clearance,
8 replanning, development or redevelopment of the area as a public
9 purpose and for public use, or the said governing body may, by
10 resolution, agree that a private corporation may undertake such
11 clearance, replanning, development or redevelopment in accordance
12 with statutory authority and subject to the provisions of paragraph
13 1, Section III, Article VIII, of the Constitution; provided, however,
14 that the power of eminent domain hereinbefore conferred upon
15 the governing body of the municipality shall not be exercised to
16 acquire, for any of the purposes of this act, any property or inter-
17 ests in property owned or used by any public utility (as defined
18 in R. S. 48:2-13) in furnishing any commodity or service which by
19 law it is authorized to furnish; and provided further, however,
20 that in any eminent domain proceeding instituted by virtue of the
21 power hereinbefore conferred, the value of any property sought
22 to be acquired shall be fixed and determined to be no less than
23 the value as of the date of the declaration of blight by the govern-
24 ing body either in the first instance or the date of final action by
25 the governing body upon a report by a planning board.

51064 (1974)

26 No municipality shall acquire any real property or proceed with
27 the clearance, development or redevelopment of any blighted area,
28 or agree that a private corporation may undertake such clearance,
29 development or redevelopment unless the governing body of the
30 municipality has first, by ordinance, approved a redevelopment
31 plan after study and recommendation of its planning board, if any,
32 and finds that said plan provides an outline for the replanning,
33 development or redevelopment of said blighted area sufficient to
34 indicate: (1) its relationship to definite local objectives as to
35 appropriate land uses, density of population and improved traffic,
36 public transportation, public utilities, recreational and community
37 facilities and other public improvements; (2) proposed land uses
38 and building requirements in the area; (3) provision for the tempo-
39 rary and permanent relocation of persons living in such areas, by
40 arranging for (unless already available) decent, safe and sanitary
41 dwelling units at rents within the means of the persons displaced
42 from said areas.

43 No municipality shall adopt a redevelopment plan until it first
44 has been reviewed by the planning board, if any, in the municipality.
45 The planning board shall be given an opportunity to make recom-
46 mendations to the governing body in connection with said redevel-
47 opment plan. The redevelopment plan shall conform to the master
48 plan or any part thereof which has been approved by the munici-
49 pality. Said master plan, as finally approved by the governing
50 body, shall control. In considering the plans originally submitted
51 or recommended to it the governing body shall have the power to
52 approve, disapprove or modify same.

1 2. This act shall take effect immediately.

STATEMENT

This bill is one of a package of three implementing recommenda-
tions made by the State Commission of Investigation in its 1971
Annual Report, based upon its investigation into the development
of the Point Breeze area of Jersey City.

This particular bill would amend the basic "Blighted Area"
statute in New Jersey (P. L. 1949, c. 187, C. 40:55-21.1 et seq.), to
require a municipality to adopt a redevelopment plan before com-
mencing any "clearance, development or redevelopment" of any
blighted area.

The S.C.I. Annual Report noted that the law, as it presently
reads, permits a municipality to declare the existence of "blight"
in any area, to acquire and dispose of real property in such area,

and to proceed with the clearance, development, and redevelopment thereof, all without having adopted any comprehensive plan for the redevelopment of the area. This bill would end that possibility and would, thereby, conform the provisions of P. L. 1949, c. 187 with those of the "Redevelopment Agencies Law" (P. L. 1949, c. 306, C. 40:55C-1 et seq.), as well as with those of the "Urban Renewal Corporation and Association Law of 1961" (P. L. 1961, c. 40, C. 40:55C-40 et seq.), both of which require officially adopted redevelopment plans as conditions precedent to proceeding with the clearance, development or redevelopment of any "blighted" area.