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P.L.2017, CHAPTER 253, *approved January 8, 2018*  
Senate, No. 2226 (*First Reprint*)

1 AN ACT allowing municipalities to authorize its parking authority to  
2 serve as a redevelopment entity, supplementing P.L.1948,  
3 c.198 (C.40:11A-1 et seq.) and amending P.L.1992, c.79.

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

7  
8 1. (New section) a. A municipality, by ordinance, may  
9 authorize its parking authority to serve as a redevelopment entity  
10 under the "Local Redevelopment and Housing Law," P.L.1992, c.79  
11 <sup>1</sup>[(C.40A:12A-1 et seq.)] (C.40a:12A-1 et al.)<sup>1</sup>, and to exercise  
12 redevelopment powers within an area in need of redevelopment or  
13 in an area in need of rehabilitation in the municipality, subject to  
14 prior review and approval <sup>1</sup>of the Local Finance Board<sup>1</sup> pursuant to  
15 the "Local Authorities Fiscal Control Law," P.L.1983, c.313  
16 (C.40A:5A-1 et seq.).

17 b. In addition to the other powers and purposes of a municipal  
18 parking authority, a parking authority that is authorized to serve as  
19 a redevelopment entity is authorized to exercise all those public and  
20 essential governmental functions necessary or convenient to  
21 effectuate the purposes of the "Local Redevelopment and Housing  
22 Law," P.L.1992, c.79 <sup>1</sup>[(C.40A:12A-1 et seq.)] (C.40a:12A-1 et  
23 al.)<sup>1</sup> and the terms of the redevelopment plan. <sup>1</sup>If a parking  
24 authority is so authorized, the authority shall be subject to the  
25 provisions of the "Local Redevelopment and Housing Law,"  
26 P.L.1992, c.79 (C.40A:12A-1 et al.). Parking authority members  
27 and any executive director shall be subject to the course  
28 requirements of sections 46 and 47 of P.L.1992, c.79 (C.40A:12A-  
29 46 and 40A:12A-47) upon the authority being authorized to serve as  
30 a redevelopment entity. The parking authority may require  
31 applicants for employment to submit to criminal history background  
32 checks subject to the provisions of P.L.1997, c.265 (C.40A:12A-  
33 22.1 et seq.). Revenue from fees charged for parking shall be  
34 utilized solely for the purposes set forth in section 6 of P.L.1948,  
35 c.198 (C.40:11A-6).<sup>1</sup>

36  
37 2. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
38 read as follows:

39 3. As used in this act:

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ACE committee amendments adopted June 12, 2017.

1 "Bonds" means any bonds, notes, interim certificates, debentures  
2 or other obligations issued by a municipality, county,  
3 redevelopment entity, or housing authority pursuant to P.L.1992,  
4 c.79 (C.40A:12A-1 et al.).

5 "Comparable, affordable replacement housing" means newly-  
6 constructed or substantially rehabilitated housing to be offered to a  
7 household being displaced as a result of a redevelopment project,  
8 that is affordable to that household based on its income under the  
9 guidelines established by the Council on Affordable Housing in the  
10 Department of Community Affairs for maximum affordable sales  
11 prices or maximum fair market rents, and that is comparable to the  
12 household's dwelling in the redevelopment area with respect to the  
13 size and amenities of the dwelling unit, the quality of the  
14 neighborhood, and the level of public services and facilities offered  
15 by the municipality in which the redevelopment area is located.

16 "Development" means the division of a parcel of land into two or  
17 more parcels, the construction, reconstruction, conversion,  
18 structural alteration, relocation, or enlargement of any building or  
19 other structure, or of any mining, excavation or landfill, and any use  
20 or change in the use of any building or other structure, or land or  
21 extension of use of land, for which permission may be required  
22 pursuant to the "Municipal Land Use Law," P.L.1975,  
23 c.291 (C.40:55D-1 et seq.).

24 "Governing body" means the body exercising general legislative  
25 powers in a county or municipality according to the terms and  
26 procedural requirements set forth in the form of government  
27 adopted by the county or municipality.

28 "Housing authority" means a housing authority created or  
29 continued pursuant to this act.

30 "Housing project" means a project, or distinct portion of a  
31 project, which is designed and intended to provide decent, safe and  
32 sanitary dwellings, apartments or other living accommodations for  
33 persons of low and moderate income; such work or undertaking  
34 may include buildings, land, equipment, facilities and other real or  
35 personal property for necessary, convenient or desirable  
36 appurtenances, streets, sewers, water service, parks, site  
37 preparation, gardening, administrative, community, health,  
38 recreational, educational, welfare or other purposes. The term  
39 "housing project" also may be applied to the planning of the  
40 buildings and improvements, the acquisition of property, the  
41 demolition of existing structures, the construction, reconstruction,  
42 alteration and repair of the improvements and all other work in  
43 connection therewith.

44 "Parking authority" means a public corporation created pursuant  
45 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et  
46 seq.), and authorized to exercise redevelopment powers within the  
47 municipality.

1 "Persons of low and moderate income" means persons or  
2 families who are, in the case of State assisted projects or programs,  
3 so defined by the Council on Affordable Housing in the Department  
4 of Community Affairs, or in the case of federally assisted projects  
5 or programs, defined as of "low and very low income" by the  
6 United States Department of Housing and Urban Development.

7 "Public body" means the State or any county, municipality,  
8 school district, authority or other political subdivision of the State.

9 "Public housing" means any housing for persons of low and  
10 moderate income owned by a municipality, county, the State or the  
11 federal government, or any agency or instrumentality thereof.

12 "Publicly assisted housing" means privately owned housing  
13 which receives public assistance or subsidy, which may be grants or  
14 loans for construction, reconstruction, conservation, or  
15 rehabilitation of the housing, or receives operational or maintenance  
16 subsidies either directly or through rental subsidies to tenants, from  
17 a federal, State or local government agency or instrumentality.

18 "Real property" means all lands, including improvements and  
19 fixtures thereon, and property of any nature appurtenant thereto or  
20 used in connection therewith, and every estate, interest and right,  
21 legal or equitable, therein, including terms for years and liens by  
22 way of judgment, mortgage or otherwise, and indebtedness secured  
23 by such liens.

24 "Redeveloper" means any person, firm, corporation or public  
25 body that shall enter into or propose to enter into a contract with a  
26 municipality or other redevelopment entity for the redevelopment or  
27 rehabilitation of an area in need of redevelopment, or an area in  
28 need of rehabilitation, or any part thereof, under the provisions of  
29 this act, or for any construction or other work forming part of a  
30 redevelopment or rehabilitation project.

31 "Redevelopment" means clearance, replanning, development and  
32 redevelopment; the conservation and rehabilitation of any structure  
33 or improvement, the construction and provision for construction of  
34 residential, commercial, industrial, public or other structures and  
35 the grant or dedication of spaces as may be appropriate or necessary  
36 in the interest of the general welfare for streets, parks, playgrounds,  
37 or other public purposes, including recreational and other facilities  
38 incidental or appurtenant thereto, in accordance with a  
39 redevelopment plan.

40 "Redevelopment agency" means a redevelopment agency created  
41 pursuant to subsection a. of section 11 of P.L.1992,  
42 c.79 (C.40A:12A-11) or established heretofore pursuant to the  
43 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
44 al.), repealed by this act, which has been permitted in accordance  
45 with the provisions of this act to continue to exercise its  
46 redevelopment functions and powers.

47 "Redevelopment area" or "area in need of redevelopment" means  
48 an area determined to be in need of redevelopment pursuant to

1 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)  
2 or determined heretofore to be a "blighted area" pursuant to  
3 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
4 determinations as made pursuant to the authority of Article VIII,  
5 Section III, paragraph 1 of the Constitution. A redevelopment area  
6 may include lands, buildings, or improvements which of themselves  
7 are not detrimental to the public health, safety or welfare, but the  
8 inclusion of which is found necessary, with or without change in  
9 their condition, for the effective redevelopment of the area of which  
10 they are a part.

11 "Redevelopment entity" means a municipality or an entity  
12 authorized by the governing body of a municipality pursuant to  
13 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
14 implement redevelopment plans and carry out redevelopment  
15 projects in an area in need of redevelopment, or in an area in need  
16 of rehabilitation, or in both.

17 "Redevelopment plan" means a plan adopted by the governing  
18 body of a municipality for the redevelopment or rehabilitation of all  
19 or any part of a redevelopment area, or an area in need of  
20 rehabilitation, which plan shall be sufficiently complete to indicate  
21 its relationship to definite municipal objectives as to appropriate  
22 land uses, public transportation and utilities, recreational and  
23 municipal facilities, and other public improvements; and to indicate  
24 proposed land uses and building requirements in the redevelopment  
25 area or area in need of rehabilitation, or both.

26 "Redevelopment project" means any work or undertaking  
27 pursuant to a redevelopment plan; such undertaking may include  
28 any buildings, land, including demolition, clearance or removal of  
29 buildings from land, equipment, facilities, or other real or personal  
30 properties which are necessary, convenient, or desirable  
31 appurtenances, such as but not limited to streets, sewers, utilities,  
32 parks, site preparation, landscaping, and administrative, community,  
33 health, recreational, educational, and welfare facilities.

34 "Rehabilitation" means an undertaking, by means of extensive  
35 repair, reconstruction or renovation of existing structures, with or  
36 without the introduction of new construction or the enlargement of  
37 existing structures, in any area that has been determined to be in  
38 need of rehabilitation or redevelopment, to eliminate substandard  
39 structural or housing conditions and arrest the deterioration of that  
40 area.

41 "Rehabilitation area" or "area in need of rehabilitation" means  
42 any area determined to be in need of rehabilitation pursuant to  
43 section 14 of P.L.1992, c.79 (C.40A:12A-14).  
44 (cf: P.L.2008, c.46, s.1)

45  
46 3. Section 4 of P.L.1992, c.79 (C.40A:12A-4) is amended to  
47 read as follows:

1       4. In exercising the redevelopment and rehabilitation functions  
2 provided for in this act:

3       a. A municipal governing body shall have the power to:

4           (1) Cause a preliminary investigation to be made pursuant to  
5 subsection a. of section 6 of P.L.1992, c.79 (C.40A:12A-6) as to  
6 whether an area is in need of redevelopment;

7           (2) Determine pursuant to subsection b. of section 6 of  
8 P.L.1992, c.79 (C.40A:12A-6) that an area is in need of  
9 redevelopment;

10          (3) Adopt a redevelopment plan pursuant to section 7 of  
11 P.L.1992, c.79 (C.40A:12A-7);

12          (4) Determine pursuant to section 14 of P.L.1992,  
13 c.79 (C.40A:12A-14) that an area is in need of rehabilitation.

14       b. A municipal planning board shall have the power to:

15           (1) Conduct, when authorized by the municipal governing body,  
16 a preliminary investigation and hearing and make a  
17 recommendation pursuant to subsection b. of section 6 of P.L.1992,  
18 c.79 (C.40A:12A-6) as to whether an area is in need of  
19 redevelopment;

20           (2) Make recommendations concerning a redevelopment plan  
21 pursuant to subsection e. of section 7 of P.L.1992,  
22 c.79 (C.40A:12A-7), or prepare a redevelopment plan pursuant to  
23 subsection f. of that section;

24           (3) Make recommendations concerning the determination of an  
25 area in need of rehabilitation pursuant to section 14 of P.L.1992,  
26 c.79 (C.40A:12A-14).

27       c. The municipality shall be responsible for implementing  
28 redevelopment plans and carrying out redevelopment projects  
29 pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8). The  
30 municipality may execute these responsibilities directly, or in  
31 addition thereto or in lieu thereof, through either a municipal  
32 redevelopment agency, a parking authority authorized to exercise  
33 redevelopment powers within the municipality pursuant to section 1  
34 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
35 or a municipal housing authority authorized to exercise  
36 redevelopment powers pursuant to section 21 of P.L.1992,  
37 c.79 (C.40A:12A-21), but there shall be only one redevelopment  
38 entity responsible for each redevelopment project. A county  
39 improvement authority authorized to undertake redevelopment  
40 projects pursuant to the "county improvement authorities law,"  
41 P.L.1960, c.183 (C.40:37A-44 et seq.) may also act as a  
42 redevelopment entity pursuant to this act. Within a municipality  
43 that has been designated the capital of the State, the Capital City  
44 Redevelopment Corporation, established pursuant to P.L.1987,  
45 c.58 (C.52:9Q-9 et seq.) may also act as a redevelopment entity  
46 pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.). The  
47 redevelopment entity, so authorized, may contract with any other  
48 public body, in accordance with the provisions of section 8 of

1 P.L.1992, c.79 (C.40A:12A-8), for the carrying out of a  
2 redevelopment project or any part thereof under its jurisdiction.  
3 Notwithstanding the above, the governing body of the municipality  
4 may, by ordinance, change or rescind the designation of the  
5 redevelopment entity responsible for implementing a redevelopment  
6 plan and carrying out a redevelopment project and may assume this  
7 responsibility itself, but only the redevelopment entity authorized to  
8 undertake a particular redevelopment project shall remain  
9 authorized to complete it, unless the redevelopment entity and  
10 redeveloper agree otherwise, or unless no obligations have been  
11 entered into by the redevelopment entity with parties other than the  
12 municipality. This shall not diminish the power of the municipality  
13 to dissolve a redevelopment entity pursuant to section 24 of  
14 P.L.1992, c.79 (C.40A:12A-24), and section 20 of the "Local  
15 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-20).  
16 (cf: P.L.2009, c.252, s.14)

17

18 4. This act shall take effect immediately.

19

20

21

22

23 \_\_\_\_\_  
24 Allows municipality to authorize parking authority as  
redevelopment entity.



**SENATE, No. 2226**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED MAY 23, 2016

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Allows municipality to authorize parking authority as redevelopment entity.

**CURRENT VERSION OF TEXT**

As introduced.



S2226 DIEGNAN

2

1 AN ACT allowing municipalities to authorize its parking authority to  
2 serve as a redevelopment entity, supplementing P.L.1948,  
3 c.198 (C.40:11A-1 et seq.) and amending P.L.1992, c.79.

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

7  
8 1. (New section) a. A municipality, by ordinance, may  
9 authorize its parking authority to serve as a redevelopment entity  
10 under the "Local Redevelopment and Housing Law," P.L.1992,  
11 c.79 (C.40A:12A-1 et seq.), and to exercise redevelopment powers  
12 within an area in need of redevelopment or in an area in need of  
13 rehabilitation in the municipality, subject to prior review and  
14 approval pursuant to the "Local Authorities Fiscal Control Law,"  
15 P.L.1983, c.313 (C.40A:5A-1 et seq.).

16 b. In addition to the other powers and purposes of a municipal  
17 parking authority, a parking authority that is authorized to serve as  
18 a redevelopment entity is authorized to exercise all those public and  
19 essential governmental functions necessary or convenient to  
20 effectuate the purposes of the "Local Redevelopment and Housing  
21 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) and the terms of the  
22 redevelopment plan.

23  
24 2. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
25 read as follows:

26 3. As used in this act:

27 "Bonds" means any bonds, notes, interim certificates, debentures  
28 or other obligations issued by a municipality, county,  
29 redevelopment entity, or housing authority pursuant to P.L.1992,  
30 c.79 (C.40A:12A-1 et al.).

31 "Comparable, affordable replacement housing" means newly-  
32 constructed or substantially rehabilitated housing to be offered to a  
33 household being displaced as a result of a redevelopment project,  
34 that is affordable to that household based on its income under the  
35 guidelines established by the Council on Affordable Housing in the  
36 Department of Community Affairs for maximum affordable sales  
37 prices or maximum fair market rents, and that is comparable to the  
38 household's dwelling in the redevelopment area with respect to the  
39 size and amenities of the dwelling unit, the quality of the  
40 neighborhood, and the level of public services and facilities offered  
41 by the municipality in which the redevelopment area is located.

42 "Development" means the division of a parcel of land into two or  
43 more parcels, the construction, reconstruction, conversion,  
44 structural alteration, relocation, or enlargement of any building or  
45 other structure, or of any mining, excavation or landfill, and any use

**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 or change in the use of any building or other structure, or land or  
2 extension of use of land, for which permission may be required  
3 pursuant to the "Municipal Land Use Law," P.L.1975,  
4 c.291 (C.40:55D-1 et seq.).

5 "Governing body" means the body exercising general legislative  
6 powers in a county or municipality according to the terms and  
7 procedural requirements set forth in the form of government  
8 adopted by the county or municipality.

9 "Housing authority" means a housing authority created or  
10 continued pursuant to this act.

11 "Housing project" means a project, or distinct portion of a  
12 project, which is designed and intended to provide decent, safe and  
13 sanitary dwellings, apartments or other living accommodations for  
14 persons of low and moderate income; such work or undertaking  
15 may include buildings, land, equipment, facilities and other real or  
16 personal property for necessary, convenient or desirable  
17 appurtenances, streets, sewers, water service, parks, site  
18 preparation, gardening, administrative, community, health,  
19 recreational, educational, welfare or other purposes. The term  
20 "housing project" also may be applied to the planning of the  
21 buildings and improvements, the acquisition of property, the  
22 demolition of existing structures, the construction, reconstruction,  
23 alteration and repair of the improvements and all other work in  
24 connection therewith.

25 "Parking authority" means a public corporation created pursuant  
26 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et  
27 seq.), and authorized to exercise redevelopment powers within the  
28 municipality.

29 "Persons of low and moderate income" means persons or  
30 families who are, in the case of State assisted projects or programs,  
31 so defined by the Council on Affordable Housing in the Department  
32 of Community Affairs, or in the case of federally assisted projects  
33 or programs, defined as of "low and very low income" by the  
34 United States Department of Housing and Urban Development.

35 "Public body" means the State or any county, municipality,  
36 school district, authority or other political subdivision of the State.

37 "Public housing" means any housing for persons of low and  
38 moderate income owned by a municipality, county, the State or the  
39 federal government, or any agency or instrumentality thereof.

40 "Publicly assisted housing" means privately owned housing  
41 which receives public assistance or subsidy, which may be grants or  
42 loans for construction, reconstruction, conservation, or  
43 rehabilitation of the housing, or receives operational or maintenance  
44 subsidies either directly or through rental subsidies to tenants, from  
45 a federal, State or local government agency or instrumentality.

46 "Real property" means all lands, including improvements and  
47 fixtures thereon, and property of any nature appurtenant thereto or  
48 used in connection therewith, and every estate, interest and right,

1 legal or equitable, therein, including terms for years and liens by  
2 way of judgment, mortgage or otherwise, and indebtedness secured  
3 by such liens.

4 "Redeveloper" means any person, firm, corporation or public  
5 body that shall enter into or propose to enter into a contract with a  
6 municipality or other redevelopment entity for the redevelopment or  
7 rehabilitation of an area in need of redevelopment, or an area in  
8 need of rehabilitation, or any part thereof, under the provisions of  
9 this act, or for any construction or other work forming part of a  
10 redevelopment or rehabilitation project.

11 "Redevelopment" means clearance, replanning, development and  
12 redevelopment; the conservation and rehabilitation of any structure  
13 or improvement, the construction and provision for construction of  
14 residential, commercial, industrial, public or other structures and  
15 the grant or dedication of spaces as may be appropriate or necessary  
16 in the interest of the general welfare for streets, parks, playgrounds,  
17 or other public purposes, including recreational and other facilities  
18 incidental or appurtenant thereto, in accordance with a  
19 redevelopment plan.

20 "Redevelopment agency" means a redevelopment agency created  
21 pursuant to subsection a. of section 11 of P.L.1992,  
22 c.79 (C.40A:12A-11) or established heretofore pursuant to the  
23 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
24 al.), repealed by this act, which has been permitted in accordance  
25 with the provisions of this act to continue to exercise its  
26 redevelopment functions and powers.

27 "Redevelopment area" or "area in need of redevelopment" means  
28 an area determined to be in need of redevelopment pursuant to  
29 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)  
30 or determined heretofore to be a "blighted area" pursuant to  
31 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
32 determinations as made pursuant to the authority of Article VIII,  
33 Section III, paragraph 1 of the Constitution. A redevelopment area  
34 may include lands, buildings, or improvements which of themselves  
35 are not detrimental to the public health, safety or welfare, but the  
36 inclusion of which is found necessary, with or without change in  
37 their condition, for the effective redevelopment of the area of which  
38 they are a part.

39 "Redevelopment entity" means a municipality or an entity  
40 authorized by the governing body of a municipality pursuant to  
41 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
42 implement redevelopment plans and carry out redevelopment  
43 projects in an area in need of redevelopment, or in an area in need  
44 of rehabilitation, or in both.

45 "Redevelopment plan" means a plan adopted by the governing  
46 body of a municipality for the redevelopment or rehabilitation of all  
47 or any part of a redevelopment area, or an area in need of  
48 rehabilitation, which plan shall be sufficiently complete to indicate

1 its relationship to definite municipal objectives as to appropriate  
2 land uses, public transportation and utilities, recreational and  
3 municipal facilities, and other public improvements; and to indicate  
4 proposed land uses and building requirements in the redevelopment  
5 area or area in need of rehabilitation, or both.

6 "Redevelopment project" means any work or undertaking  
7 pursuant to a redevelopment plan; such undertaking may include  
8 any buildings, land, including demolition, clearance or removal of  
9 buildings from land, equipment, facilities, or other real or personal  
10 properties which are necessary, convenient, or desirable  
11 appurtenances, such as but not limited to streets, sewers, utilities,  
12 parks, site preparation, landscaping, and administrative, community,  
13 health, recreational, educational, and welfare facilities.

14 "Rehabilitation" means an undertaking, by means of extensive  
15 repair, reconstruction or renovation of existing structures, with or  
16 without the introduction of new construction or the enlargement of  
17 existing structures, in any area that has been determined to be in  
18 need of rehabilitation or redevelopment, to eliminate substandard  
19 structural or housing conditions and arrest the deterioration of that  
20 area.

21 "Rehabilitation area" or "area in need of rehabilitation" means  
22 any area determined to be in need of rehabilitation pursuant to  
23 section 14 of P.L.1992, c.79 (C.40A:12A-14).

24 (cf: P.L.2008, c.46, s.1)

25

26 3. Section 4 of P.L.1992, c.79 (C.40A:12A-4) is amended to  
27 read as follows:

28 4. In exercising the redevelopment and rehabilitation functions  
29 provided for in this act:

30 a. A municipal governing body shall have the power to:

31 (1) Cause a preliminary investigation to be made pursuant to  
32 subsection a. of section 6 of P.L.1992, c.79 (C.40A:12A-6) as to  
33 whether an area is in need of redevelopment;

34 (2) Determine pursuant to subsection b. of section 6 of  
35 P.L.1992, c.79 (C.40A:12A-6) that an area is in need of  
36 redevelopment;

37 (3) Adopt a redevelopment plan pursuant to section 7 of  
38 P.L.1992, c.79 (C.40A:12A-7);

39 (4) Determine pursuant to section 14 of P.L.1992,  
40 c.79 (C.40A:12A-14) that an area is in need of rehabilitation.

41 b. A municipal planning board shall have the power to:

42 (1) Conduct, when authorized by the municipal governing body,  
43 a preliminary investigation and hearing and make a  
44 recommendation pursuant to subsection b. of section 6 of P.L.1992,  
45 c.79 (C.40A:12A-6) as to whether an area is in need of  
46 redevelopment;

47 (2) Make recommendations concerning a redevelopment plan  
48 pursuant to subsection e. of section 7 of P.L.1992,

1 c.79 (C.40A:12A-7), or prepare a redevelopment plan pursuant to  
2 subsection f. of that section;

3 (3) Make recommendations concerning the determination of an  
4 area in need of rehabilitation pursuant to section 14 of P.L.1992,  
5 c.79 (C.40A:12A-14).

6 c. The municipality shall be responsible for implementing  
7 redevelopment plans and carrying out redevelopment projects  
8 pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8). The  
9 municipality may execute these responsibilities directly, or in  
10 addition thereto or in lieu thereof, through either a municipal  
11 redevelopment agency, a parking authority authorized to exercise  
12 redevelopment powers within the municipality pursuant to section 1  
13 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
14 or a municipal housing authority authorized to exercise  
15 redevelopment powers pursuant to section 21 of P.L.1992,  
16 c.79 (C.40A:12A-21), but there shall be only one redevelopment  
17 entity responsible for each redevelopment project. A county  
18 improvement authority authorized to undertake redevelopment  
19 projects pursuant to the "county improvement authorities law,"  
20 P.L.1960, c.183 (C.40:37A-44 et seq.) may also act as a  
21 redevelopment entity pursuant to this act. Within a municipality  
22 that has been designated the capital of the State, the Capital City  
23 Redevelopment Corporation, established pursuant to P.L.1987,  
24 c.58 (C.52:9Q-9 et seq.) may also act as a redevelopment entity  
25 pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.). The  
26 redevelopment entity, so authorized, may contract with any other  
27 public body, in accordance with the provisions of section 8 of  
28 P.L.1992, c.79 (C.40A:12A-8), for the carrying out of a  
29 redevelopment project or any part thereof under its jurisdiction.  
30 Notwithstanding the above, the governing body of the municipality  
31 may, by ordinance, change or rescind the designation of the  
32 redevelopment entity responsible for implementing a redevelopment  
33 plan and carrying out a redevelopment project and may assume this  
34 responsibility itself, but only the redevelopment entity authorized to  
35 undertake a particular redevelopment project shall remain  
36 authorized to complete it, unless the redevelopment entity and  
37 redeveloper agree otherwise, or unless no obligations have been  
38 entered into by the redevelopment entity with parties other than the  
39 municipality. This shall not diminish the power of the municipality  
40 to dissolve a redevelopment entity pursuant to section 24 of  
41 P.L.1992, c.79 (C.40A:12A-24), and section 20 of the "Local  
42 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-20).  
43 (cf: P.L.2009, c.252, s.14)

44

45 4. This act shall take effect immediately.

STATEMENT

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This bill would allow a municipality that has created a parking authority under the "Parking Authority Law" and has also determined an area within the municipality to be in need of redevelopment or rehabilitation under the "Local Redevelopment and Housing Law" to authorize its parking authority as a redevelopment entity. Under current law, a municipality must implement redevelopment plans and carry out redevelopment projects directly, or through either a municipal redevelopment agency, a municipal housing authority, or a county improvement authority authorized to undertake redevelopment projects.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2226**

# **STATE OF NEW JERSEY**

DATED: JUNE 16, 2016

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2226.

This bill would allow a municipality that has created a parking authority under the "Parking Authority Law" and has also determined an area within the municipality to be in need of redevelopment or rehabilitation under the "Local Redevelopment and Housing Law" to authorize its parking authority as a redevelopment entity. Under current law, a municipality must implement redevelopment plans and carry out redevelopment projects directly, or through either a municipal redevelopment agency, a municipal housing authority, or a county improvement authority authorized to undertake redevelopment projects.



ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT  
COMMITTEE

STATEMENT TO  
**SENATE, No. 2226**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 12, 2017

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Senate Bill No. 2226.

As amended by the committee, this bill would allow a municipality that has created a parking authority under the "Parking Authority Law" and has also determined an area within the municipality to be in need of redevelopment or rehabilitation under the "Local Redevelopment and Housing Law" (LRHL) to authorize its parking authority as a redevelopment entity. Under current law, a municipality must implement redevelopment plans and carry out redevelopment projects directly, or through either a municipal redevelopment agency, a municipal housing authority, or a county improvement authority authorized to undertake redevelopment projects.

As amended and reported, this bill is identical to Assembly Bill No. 2776, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a parking authority authorized to serve as a redevelopment entity will be subject to the provisions of the LRHL. The amendments also provide that the members and executive director of a parking authority which has been authorized to serve as a redevelopment entity will be subject to the course requirements of the LRHL. The amendments authorize a parking authority to require applicants for employment to submit to criminal history background checks, subject to the provisions of the LRHL. Finally, the amendments specify that revenue from fees charged for parking must be used solely for the purposes of a parking authority under the "Parking Authority Law."

# ASSEMBLY, No. 2776

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblyman JAMES J. KENNEDY**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Allows municipality to authorize parking authority as redevelopment entity.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/9/2016)**

1 AN ACT allowing municipalities to authorize its parking authority to  
2 serve as a redevelopment entity, supplementing P.L.1948, c.198  
3 (C.40:11A-1 et seq.) and amending P.L.1992, c.79.

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

7  
8 1. (New section) a. A municipality, by ordinance, may  
9 authorize its parking authority to serve as a redevelopment entity  
10 under the "Local Redevelopment and Housing Law," P.L.1992, c.79  
11 (C.40A:12A-1 et seq.), and to exercise redevelopment powers  
12 within an area in need of redevelopment or in an area in need of  
13 rehabilitation in the municipality, subject to prior review and  
14 approval pursuant to the "Local Authorities Fiscal Control Law,"  
15 P.L.1983, c.313 (C.40A:5A-1 et seq.).

16 b. In addition to the other powers and purposes of a municipal  
17 parking authority, a parking authority that is authorized to serve as  
18 a redevelopment entity is authorized to exercise all those public and  
19 essential governmental functions necessary or convenient to  
20 effectuate the purposes of the "Local Redevelopment and Housing  
21 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) and the terms of the  
22 redevelopment plan.

23  
24 2. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
25 read as follows:

26 3. As used in this act:

27 "Bonds" means any bonds, notes, interim certificates, debentures  
28 or other obligations issued by a municipality, county,  
29 redevelopment entity, or housing authority pursuant to P.L.1992,  
30 c.79 (C.40A:12A-1 et al.).

31 "Comparable, affordable replacement housing" means newly-  
32 constructed or substantially rehabilitated housing to be offered to a  
33 household being displaced as a result of a redevelopment project,  
34 that is affordable to that household based on its income under the  
35 guidelines established by the Council on Affordable Housing in the  
36 Department of Community Affairs for maximum affordable sales  
37 prices or maximum fair market rents, and that is comparable to the  
38 household's dwelling in the redevelopment area with respect to the  
39 size and amenities of the dwelling unit, the quality of the  
40 neighborhood, and the level of public services and facilities offered  
41 by the municipality in which the redevelopment area is located.

42 "Development" means the division of a parcel of land into two or  
43 more parcels, the construction, reconstruction, conversion,  
44 structural alteration, relocation, or enlargement of any building or  
45 other structure, or of any mining, excavation or landfill, and any use

**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 or change in the use of any building or other structure, or land or  
2 extension of use of land, for which permission may be required  
3 pursuant to the "Municipal Land Use Law," P.L.1975, c.291  
4 (C.40:55D-1 et seq.).

5 "Governing body" means the body exercising general legislative  
6 powers in a county or municipality according to the terms and  
7 procedural requirements set forth in the form of government  
8 adopted by the county or municipality.

9 "Housing authority" means a housing authority created or  
10 continued pursuant to this act.

11 "Housing project" means a project, or distinct portion of a  
12 project, which is designed and intended to provide decent, safe and  
13 sanitary dwellings, apartments or other living accommodations for  
14 persons of low and moderate income; such work or undertaking  
15 may include buildings, land, equipment, facilities and other real or  
16 personal property for necessary, convenient or desirable  
17 appurtenances, streets, sewers, water service, parks, site  
18 preparation, gardening, administrative, community, health,  
19 recreational, educational, welfare or other purposes. The term  
20 "housing project" also may be applied to the planning of the  
21 buildings and improvements, the acquisition of property, the  
22 demolition of existing structures, the construction, reconstruction,  
23 alteration and repair of the improvements and all other work in  
24 connection therewith.

25 "Parking authority" means a public corporation created pursuant  
26 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et  
27 seq.), and authorized to exercise redevelopment powers within the  
28 municipality.

29 "Persons of low and moderate income" means persons or  
30 families who are, in the case of State assisted projects or programs,  
31 so defined by the Council on Affordable Housing in the Department  
32 of Community Affairs, or in the case of federally assisted projects  
33 or programs, defined as of "low and very low income" by the  
34 United States Department of Housing and Urban Development.

35 "Public body" means the State or any county, municipality,  
36 school district, authority or other political subdivision of the State.

37 "Public housing" means any housing for persons of low and  
38 moderate income owned by a municipality, county, the State or the  
39 federal government, or any agency or instrumentality thereof.

40 "Publicly assisted housing" means privately owned housing  
41 which receives public assistance or subsidy, which may be grants or  
42 loans for construction, reconstruction, conservation, or  
43 rehabilitation of the housing, or receives operational or maintenance  
44 subsidies either directly or through rental subsidies to tenants, from  
45 a federal, State or local government agency or instrumentality.

46 "Real property" means all lands, including improvements and  
47 fixtures thereon, and property of any nature appurtenant thereto or  
48 used in connection therewith, and every estate, interest and right,

1 legal or equitable, therein, including terms for years and liens by  
2 way of judgment, mortgage or otherwise, and indebtedness secured  
3 by such liens.

4 "Redeveloper" means any person, firm, corporation or public  
5 body that shall enter into or propose to enter into a contract with a  
6 municipality or other redevelopment entity for the redevelopment or  
7 rehabilitation of an area in need of redevelopment, or an area in  
8 need of rehabilitation, or any part thereof, under the provisions of  
9 this act, or for any construction or other work forming part of a  
10 redevelopment or rehabilitation project.

11 "Redevelopment" means clearance, replanning, development and  
12 redevelopment; the conservation and rehabilitation of any structure  
13 or improvement, the construction and provision for construction of  
14 residential, commercial, industrial, public or other structures and  
15 the grant or dedication of spaces as may be appropriate or necessary  
16 in the interest of the general welfare for streets, parks, playgrounds,  
17 or other public purposes, including recreational and other facilities  
18 incidental or appurtenant thereto, in accordance with a  
19 redevelopment plan.

20 "Redevelopment agency" means a redevelopment agency created  
21 pursuant to subsection a. of section 11 of P.L.1992, c.79  
22 (C.40A:12A-11) or established heretofore pursuant to the  
23 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
24 al.), repealed by this act, which has been permitted in accordance  
25 with the provisions of this act to continue to exercise its  
26 redevelopment functions and powers.

27 "Redevelopment area" or "area in need of redevelopment" means  
28 an area determined to be in need of redevelopment pursuant to  
29 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)  
30 or determined heretofore to be a "blighted area" pursuant to  
31 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
32 determinations as made pursuant to the authority of Article VIII,  
33 Section III, paragraph 1 of the Constitution. A redevelopment area  
34 may include lands, buildings, or improvements which of themselves  
35 are not detrimental to the public health, safety or welfare, but the  
36 inclusion of which is found necessary, with or without change in  
37 their condition, for the effective redevelopment of the area of which  
38 they are a part.

39 "Redevelopment entity" means a municipality or an entity  
40 authorized by the governing body of a municipality pursuant to  
41 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
42 implement redevelopment plans and carry out redevelopment  
43 projects in an area in need of redevelopment, or in an area in need  
44 of rehabilitation, or in both.

45 "Redevelopment plan" means a plan adopted by the governing  
46 body of a municipality for the redevelopment or rehabilitation of all  
47 or any part of a redevelopment area, or an area in need of  
48 rehabilitation, which plan shall be sufficiently complete to indicate

1 its relationship to definite municipal objectives as to appropriate  
2 land uses, public transportation and utilities, recreational and  
3 municipal facilities, and other public improvements; and to indicate  
4 proposed land uses and building requirements in the redevelopment  
5 area or area in need of rehabilitation, or both.

6 "Redevelopment project" means any work or undertaking  
7 pursuant to a redevelopment plan; such undertaking may include  
8 any buildings, land, including demolition, clearance or removal of  
9 buildings from land, equipment, facilities, or other real or personal  
10 properties which are necessary, convenient, or desirable  
11 appurtenances, such as but not limited to streets, sewers, utilities,  
12 parks, site preparation, landscaping, and administrative, community,  
13 health, recreational, educational, and welfare facilities.

14 "Rehabilitation" means an undertaking, by means of extensive  
15 repair, reconstruction or renovation of existing structures, with or  
16 without the introduction of new construction or the enlargement of  
17 existing structures, in any area that has been determined to be in  
18 need of rehabilitation or redevelopment, to eliminate substandard  
19 structural or housing conditions and arrest the deterioration of that  
20 area.

21 "Rehabilitation area" or "area in need of rehabilitation" means  
22 any area determined to be in need of rehabilitation pursuant to  
23 section 14 of P.L.1992, c.79 (C.40A:12A-14).

24 (cf: P.L.2008, c.46, s.1)

25

26 3. Section 4 of P.L.1992, c.79 (C.40A:12A-4) is amended to  
27 read as follows:

28 4. In exercising the redevelopment and rehabilitation functions  
29 provided for in this act:

30 a. A municipal governing body shall have the power to:

31 (1) Cause a preliminary investigation to be made pursuant to  
32 subsection a. of section 6 of P.L.1992, c.79 (C.40A:12A-6) as to  
33 whether an area is in need of redevelopment;

34 (2) Determine pursuant to subsection b. of section 6 of  
35 P.L.1992, c.79 (C.40A:12A-6) that an area is in need of  
36 redevelopment;

37 (3) Adopt a redevelopment plan pursuant to section 7 of  
38 P.L.1992, c.79 (C.40A:12A-7);

39 (4) Determine pursuant to section 14 of P.L.1992, c.79  
40 (C.40A:12A-14) that an area is in need of rehabilitation.

41 b. A municipal planning board shall have the power to:

42 (1) Conduct, when authorized by the municipal governing body,  
43 a preliminary investigation and hearing and make a  
44 recommendation pursuant to subsection b. of section 6 of P.L.1992,  
45 c.79 (C.40A:12A-6) as to whether an area is in need of  
46 redevelopment;

47 (2) Make recommendations concerning a redevelopment plan  
48 pursuant to subsection e. of section 7 of P.L.1992, c.79

1 (C.40A:12A-7), or prepare a redevelopment plan pursuant to  
2 subsection f. of that section;

3 (3) Make recommendations concerning the determination of an  
4 area in need of rehabilitation pursuant to section 14 of P.L.1992,  
5 c.79 (C.40A:12A-14).

6 c. The municipality shall be responsible for implementing  
7 redevelopment plans and carrying out redevelopment projects  
8 pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8). The  
9 municipality may execute these responsibilities directly, or in  
10 addition thereto or in lieu thereof, through either a municipal  
11 redevelopment agency, a parking authority authorized to exercise  
12 redevelopment powers within the municipality pursuant to section 1  
13 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
14 or a municipal housing authority authorized to exercise  
15 redevelopment powers pursuant to section 21 of P.L.1992, c.79  
16 (C.40A:12A-21), but there shall be only one redevelopment entity  
17 responsible for each redevelopment project. A county improvement  
18 authority authorized to undertake redevelopment projects pursuant  
19 to the "county improvement authorities law," P.L.1960, c.183  
20 (C.40:37A-44 et seq.) may also act as a redevelopment entity  
21 pursuant to this act. Within a municipality that has been designated  
22 the capital of the State, the Capital City Redevelopment  
23 Corporation, established pursuant to P.L.1987, c.58 (C.52:9Q-9 et  
24 seq.) may also act as a redevelopment entity pursuant to P.L.1992,  
25 c.79 (C.40A:12A-1 et al.). The redevelopment entity, so  
26 authorized, may contract with any other public body, in accordance  
27 with the provisions of section 8 of P.L.1992, c.79 (C.40A:12A-8),  
28 for the carrying out of a redevelopment project or any part thereof  
29 under its jurisdiction. Notwithstanding the above, the governing  
30 body of the municipality may, by ordinance, change or rescind the  
31 designation of the redevelopment entity responsible for  
32 implementing a redevelopment plan and carrying out a  
33 redevelopment project and may assume this responsibility itself, but  
34 only the redevelopment entity authorized to undertake a particular  
35 redevelopment project shall remain authorized to complete it, unless  
36 the redevelopment entity and redeveloper agree otherwise, or unless  
37 no obligations have been entered into by the redevelopment entity  
38 with parties other than the municipality. This shall not diminish the  
39 power of the municipality to dissolve a redevelopment entity  
40 pursuant to section 24 of P.L.1992, c.79 (C.40A:12A-24), and  
41 section 20 of the "Local Authorities Fiscal Control Law," P.L.1983,  
42 c.313 (C.40A:5A-20).

43 (cf: P.L.2009, c.252, s.14)

44

45 4. This act shall take effect immediately.

STATEMENT

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This bill would allow a municipality that has created a parking authority under the "Parking Authority Law" and has also determined an area within the municipality to be in need of redevelopment or rehabilitation under the "Local Redevelopment and Housing Law" to authorize its parking authority as a redevelopment entity. Under current law, a municipality must implement redevelopment plans and carry out redevelopment projects directly, or through either a municipal redevelopment agency, a municipal housing authority, or a county improvement authority authorized to undertake redevelopment projects.



ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 2776

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 12, 2017

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 2776.

As amended by the committee, this bill would allow a municipality that has created a parking authority under the "Parking Authority Law" and has also determined an area within the municipality to be in need of redevelopment or rehabilitation under the "Local Redevelopment and Housing Law" (LRHL) to authorize its parking authority as a redevelopment entity. Under current law, a municipality must implement redevelopment plans and carry out redevelopment projects directly, or through either a municipal redevelopment agency, a municipal housing authority, or a county improvement authority authorized to undertake redevelopment projects.

As amended and reported, this bill is identical to Senate Bill No. 2226, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a parking authority authorized to serve as a redevelopment entity will be subject to the provisions of the LRHL. The amendments also provide that the members and executive director of a parking authority which has been authorized to serve as a redevelopment entity will be subject to the course requirements of the LRHL. The amendments authorize a parking authority to require applicants for employment to submit to criminal history background checks, subject to the provisions of the LRHL. Finally, the amendments specify that revenue from fees charged for parking must be used solely for the purposes of a parking authority under the "Parking Authority Law."