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**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

P.L. 1999, CHAPTER 210, *approved September 17, 1999*

Senate, No. 1388 (*First Reprint*)

1 **AN ACT** concerning the assignment of long term tax abatements and  
2 amending P.L.1991, c.431.

3

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

6

7 1. Section 10 of P.L.1991, c.431 (C.40A:20-10) is amended to  
8 read as follows:

9 10. The financial agreement may provide:

10 a. That the municipality will consent to a sale of the project by the  
11 urban renewal entity to another urban renewal entity organized under  
12 this act, their successors, assigns, all owning no other project at the  
13 time of the transfer and that, upon assumption by the transferee urban  
14 renewal entity of the transferor's obligations under the financial  
15 agreement, the tax exemption of the improvement shall continue and  
16 inure to the transferee urban renewal entity, its respective successors  
17 or assigns.

18 b. That the municipality will consent to a sale of the project to  
19 purchasers of units in the condominium if the project or any portion  
20 thereof has been devoted to condominium ownership, and to their  
21 successors, assigns, all owning (in the case of housing) no other  
22 condominium unit of a project at the time of the transfer, and that,  
23 upon assumption by the condominium unit purchaser of the transferor's  
24 obligations under the financial agreement, the tax exemption of the  
25 improvement shall continue and inure to the unit purchaser, his  
26 respective successors or assigns.

27 c. That the municipality will consent to a sale of the project to  
28 purchasers of units in fee simple, if the project or any portion thereof  
29 has been devoted to fee simple ownership, and to their successors,  
30 assigns, all owning (in the case of housing) no other fee simple unit of  
31 a project at the time of the transfer, and that, upon assumption by the  
32 fee simple unit purchaser of the transferor's obligations under the  
33 financial agreement, the tax exemption of the improvement shall  
34 continue and inure to the fee simple unit purchaser, his respective  
35 successors or assigns. <sup>1</sup>The provisions of this subsection shall not be  
36 construed to authorize the sale of a project between an urban renewal  
37 entity and a for-profit developer. <sup>1</sup>

38 (cf: P.L.1991, c.431, s.10)

39

40 2. This act shall take effect immediately.

**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> Senate SCU committee amendments adopted November 16, 1998.**

1

\_\_\_\_\_

2

3 Permits assignment of long term tax abatements from urban renewal  
4 corporation to owners in fee simple.

**SENATE, No. 1388**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED SEPTEMBER 28, 1998

**Sponsored by:**

**Senator MARTHA W. BARK**

**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Permits assignment of long term tax abatements from urban renewal corporation to owners in fee simple.

**CURRENT VERSION OF TEXT**

As introduced.



S1388 BARK

2

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16 inure to the transferee urban renewal entity, its respective successors  
17 or assigns.

18 b. That the municipality will consent to a sale of the project to  
19 purchasers of units in the condominium if the project or any portion  
20 thereof has been devoted to condominium ownership, and to their  
21 successors, assigns, all owning (in the case of housing) no other  
22 condominium unit of a project at the time of the transfer, and that,  
23 upon assumption by the condominium unit purchaser of the transferor's  
24 obligations under the financial agreement, the tax exemption of the  
25 improvement shall continue and inure to the unit purchaser, his  
26 respective successors or assigns.

27 c. That the municipality will consent to a sale of the project to  
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32 fee simple unit purchaser of the transferor's obligations under the  
33 financial agreement, the tax exemption of the improvement shall  
34 continue and inure to the fee simple unit purchaser, his respective  
35 successors or assigns.

36 (cf: P.L.1991, c.431, s.10)

37

38 2. This act shall take effect immediately.

39

40 STATEMENT

41

42 This bill would permit the assignment of long term tax abatements  
43 for improvements from an urban renewal corporation to owners of fee

**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.**

**S1388 BARK**

3

1 simple units. Current law expressly permits such assignments to the  
2 owners of condominium units but is silent with respect to fee simple  
3 owners. The sponsor does not believe there is any policy reason to  
4 differentiate between condominium owners and owners in fee simple  
5 for the purposes of the assignment of a long term tax abatement.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING  
COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 1388**

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Assembly Local Government and Housing Committee reports favorably Senate Bill No. 1388 (1R).

This bill would permit the assignment of long term tax abatements for improvements from an urban renewal corporation to owners in fee simple communities. Current law expressly permits such assignments to the owners of condominium units but is silent with respect to owners in fee simple communities. The language in the bill concerning "purchasers of units in fee simple" is intended to refer to purchasers in a "fee simple community" as is defined in section 1 of P.L.1989, c.299 (C.40:67-23.2). The committee does not believe there is any policy reason to differentiate between condominium owners and owners in fee simple communities for the purposes of the assignment of a long term tax abatement.



SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1388**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 16, 1998

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1388 with committee amendments.

This bill, as amended by the committee, would permit the assignment of long term tax abatements for improvements from an urban renewal corporation to owners of fee simple units. Current law expressly permits such assignments to the owners of condominium units but is silent with respect to fee simple owners.

The committee amended the bill to clarify that these new provisions are not intended to authorize the sale of a project between an urban renewal entity and a for-profit developer.

# ASSEMBLY, No. 2481

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED OCTOBER 5, 1998

**Sponsored by:**

**Assemblyman FRANCIS L. BODINE**  
**District 8 (Atlantic, Burlington and Camden)**

**Co-Sponsored by:**

**Assemblywoman Crecco**

**SYNOPSIS**

Permits assignment of long term tax abatements from urban renewal corporation to owners in fee simple.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/4/1999)

A2481 BODINE

2

1 AN ACT concerning the assignment of long term tax abatements and  
2 amending P.L.1991, c.431.

3

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14 renewal entity of the transferor's obligations under the financial  
15 agreement, the tax exemption of the improvement shall continue and  
16 inure to the transferee urban renewal entity, its respective successors  
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18 b. That the municipality will consent to a sale of the project to  
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25 improvement shall continue and inure to the unit purchaser, his  
26 respective successors or assigns.

27 c. That the municipality will consent to a sale of the project to  
28 purchasers of units in fee simple, if the project or any portion thereof  
29 has been devoted to fee simple ownership, and to their successors,  
30 assigns, all owning (in the case of housing) no other fee simple unit of  
31 a project at the time of the transfer, and that, upon assumption by the  
32 fee simple unit purchaser of the transferor's obligations under the  
33 financial agreement, the tax exemption of the improvement shall  
34 continue and inure to the fee simple unit purchaser, his respective  
35 successors or assigns.

36 (cf: P.L.1991, c.431, s.10)

37

38 2. This act shall take effect immediately.

**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 STATEMENT

2

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4 for improvements from an urban renewal corporation to owners of fee  
5 simple units. Current law expressly permits such assignments to the  
6 owners of condominium units but is silent with respect to fee simple  
7 owners. The sponsor does not believe there is any policy reason to  
8 differentiate between condominium owners and owners in fee simple  
9 for the purposes of the assignment of a long term tax abatement.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2481**

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Assembly Local Government and Housing Committee reports favorably Assembly Bill No. 2481.

This bill would permit the assignment of long term tax abatements for improvements from an urban renewal corporation to owners in fee simple communities. Current law expressly permits such assignments to the owners of condominium units but is silent with respect to owners in fee simple communities. The language in the bill concerning "purchasers of units in fee simple" is intended to refer to purchasers in a "fee simple community" as is defined in section 1 of P.L.1989, c.299 (C.40:67-23.2). The committee does not believe there is any policy reason to differentiate between condominium owners and owners in fee simple communities for the purposes of the assignment of a long term tax abatement.

STATEMENT TO  
**ASSEMBLY, No. 2481**

with Assembly Floor Amendments  
(Proposed By Assemblyman BODINE)

ADOPTED: JUNE 10, 1999

This floor amendment makes the bill identical to Senate, No. 1388 (1R) of 1998. The amendment clarifies that subsection c. of section 10 of P.L.1991, c.431 (C.40A:20-10) shall not be construed to authorize the sale of a project between an urban renewal entity and a for-profit developer.

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Gene Herman  
609-777-2600

RELEASE: September 17, 1999

**Gov. Christie Whitman today signed the following pieces of legislation:**

**S-947**, sponsored by Senators William L. Gormley (R-Atlantic) and Wayne R. Bryant (D-Camden/Gloucester) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and Tom Smith (R-Monmouth), adds the violation of a domestic violence restraining order to the list of aggravating factors for a jury to consider in the penalty phase of a murder case. The state's murder statute sets forth a list of aggravating factors, including that the murder was committed in an outrageously or wantonly vile manner, involved an aggravated assault, or was committed in the course of a robbery, burglary, sexual assault or other specified serious offense. A murder charge only may be tried as a death penalty case if the prosecutor gives notice to the defense near to the time of indictment that one or more of the statutory aggravating factors are present. Before a jury in such a case can consider imposing the death penalty, it must find that the state proved beyond a reasonable doubt at least one of the aggravating factors.

**S-1388**, sponsored by Senator Martha W. Bark (R-Atlantic/Burlington/Camden) and Assembly Member Francis L. Bodine (R-Atlantic/Burlington/Camden), amends the Long Term Tax Exemption Law to permit the assignment of long term tax abatements from urban renewal entities to owners in fee simple. Owners in fee simple own their housing units, which are not a part of a condominium. The law allows urban renewal entities, which are non-profit corporations established to rehabilitate urban housing for resale to qualified individuals, to receive such abatements for improvements made to urban housing developments. Previous law expressly permitted owners of condominium units to sell their property along with tax abatements.

**S-1959**, sponsored by Senator Robert E. Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Guy R. Gregg (R-Sussex/Hunterdon/Morris) and E. Scott Garrett (R-Sussex/Hunterdon/Morris), appropriates \$5 million to the Department of Environmental Protection from the Natural Resources Bond Act of 1980 for a grant to Hopatcong Borough for a clean water project. The grant will be used to install sewers for residents that reside near Lake Hopatcong. The \$5 million grant is the state's share of the project, which is projected to cost \$20 million. The appropriation will leverage \$8.7 million in federal funds.

**S-1515**, sponsored by Senator Robert J. Martin (R-Essex/Morris/Passaic) and Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Neil M. Cohen (D-Union), authorizes the regulation of viatical agreements by the Commissioner of Banking and Insurance. A viatical agreement is an agreement to sell a life insurance policy by a person who typically is ill and in immediate need of money. The bill is intended to protect particularly vulnerable persons from aggressive or fraudulent business tactics. The bill requires licensure as a viatical settlement provider for any person who is involved in three or more agreements in the period of one year.

The regulatory aspects of the bill include permitting alterations to viatical agreements, tax implications, rights of rescission, and Medicaid issues. The viatical agreement must contain several consumer protection provisions as set forth in the bill. Among other things, the viatical settlement provider must disclose to consumers possible alternatives to the contract, the need for professional tax advice, the effect of receiving a lump sum of money on pending claims by creditors, and the person's eligibility for government benefits.

The Commissioner of Banking and Insurance is given broad discretion to suspend, revoke or refuse to review licenses. Licensees are required to file annual statements containing information that the Commissioner may require by regulation. The Commissioner has the right to examine the business activities of any licensee.

**S-673**, sponsored by Senator Peter A. Inverso (R-Mercer/Middlesex), implements a series of recommendations made by the Supreme Court Committee on the Tax Court to amend the laws dealing with property tax appeals and certain Tax Court matters. The amendments are primarily procedural in nature and are designed to increase uniformity, efficiency and flexibility in key areas of the administration of property tax appeals, such as filing deadlines, the Freeze Act and tax payment requirement. The Freeze Act freezes the property assessment for three years when a taxpayer is successful in a tax appeal. The bill also contains several technical amendments, such as incorporating gender neutral language and updating references to judicial bodies and governmental entities.

**S-1977** provides for continuity of legal representation through the Office of the Public Defender (OPD) for children and indigent parents in child abuse and termination of parental proceedings. The bill specifically directs that, where practicable, the same attorney will represent a parent or child in each of these types of matters. The continuity is intended to increase the overall effectiveness and efficiency of the legal system in its handling of termination of parental rights cases. The state's recently enacted Adoption and Safe Families Act (AFSA) provided the framework for continuity of legal representation by granting the OPD the authority to represent parents and children in termination of parental rights matters. Prior to AFSA, the OPD was statutorily authorized to provide legal counsel in abuse and neglect matters, but not termination matters. In such termination matters, the courts appointed pro-bono counsel to represent indigent parents and children. The bill was sponsored by Senators William L. Gormley (R-Atlantic) and Edward T. O'Connor, Jr. (D-Hudson) and Assembly Members Richard H. Bagger (R-Middlesex/Morris/Somerset/Union) and Rose Marie Heck (R-Bergen).