

40:48-1.1

LEGISLATIVE HISTORY CHECKLIST

HJSA 40:48-1.1 (Municipalities-Demolishing of building-owner's cost)

LAWS OF 1978 CHAPTER 113

Bill No. S434

Sponsor(s) Graves

Date Introduced Pre-filed

Committee: Assembly Municipal Government

Senate County & Municipal Government

Amended during passage YES No

Date of Passage: Assembly May 1, 1978

Senate Feb. 23, 1978

Date of approval Sept. 11, 1978

Following statements are attached if available:

Sponsor statement Yes YES

Committee Statement: Assembly YES No

Senate Yes YES

Fiscal Note YES No

Veto Message YES No

Message on signing YES No

Following were printed:

Reports YES No

Hearings YES No

RECEIVED  
JUN 11 1979  
LEGISLATIVE HISTORY

9/1/78 JUN 1979

SENATE, No. 434

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Senator GRAVES

AN ACT concerning the recovery of the costs of removal or demolition of dangerous buildings and structures by municipalities in certain cases, and supplementing chapter 48 of Title 40 of the Revised Statutes.

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

1 1. Whenever any municipality, pursuant to law or pursuant to  
2 any ordinance, code, rule or regulation adopted pursuant to law,  
3 undertakes the removal or demolition of any building or structure  
4 which is dangerous to human life or the public welfare or which  
5 constitutes a fire hazard, the governing body of the municipality,  
6 in addition to assessing the cost of such removal or demolition as  
7 a municipal lien against the premises, may enforce the payment  
8 of such assessment, together with interest, as a debt of the owner  
9 of the premises and may authorize the institution of an action at  
10 law for the collection thereof. The superior court, a county court,  
11 or a county district court shall have jurisdiction of any such action.

1 2. This act shall take effect immediately.

STATEMENT

This bill is intended to expedite the recovery of costs incurred by a municipality in undertaking the removal or demolition of buildings or structures dangerous to human life or the public welfare or which constitute a fire hazard by making the repayment of the costs of such removal or demolition not only a charge against the premises but also a personal obligation of the owner of the premises.

SENATE COMMITTEE  
STATEMENT TO  
**SENATE, No. 434**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 14, 1978

Senate Bill No. 434 would make costs incurred by a municipality in the removal or demolition of a building or structure dangerous to human life or the public welfare, or which constitute fire hazards, a personal debt of the owners of the premises enforceable by civil suit, in addition to being a lien against the premises. The bill would give jurisdiction over such actions to the superior court, a county court, or a county district court. The purpose according to the sponsor is to expedite the recovery of such costs.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 11, 1978

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills into law in a public ceremony in his office.

S-434, sponsored by Senator Frank Graves, Jr. (D-Passaic), which requires that the repayment cost of the removal or demolition of certain buildings is a debt of the owner of the building, rather than the municipality in which it is located.

Under the bill, owners of property or structures removed or demolished because of danger to human life or public welfare or because they constitute a fire hazard would be required to repay the municipality for the costs of the removal.

The bill also authorizes the municipality to bring a legal action to collect the debt.

S-686, sponsored by Senators Wynona Lipman (D-Essex), Joseph P. Merlino (D-Mercer) and Angelo Errichetti (D-Camden), which allows local governments to pay start-up advances to non-profit contractors in order to prevent undue hardship and depletion of the capital reserves of the contractors.

The bill is an exemption to NJSA 40A:5-16.

The source of the funds to be advanced must be a federal grant which allows the local governing unit to receive funds in advance of disbursement and which requires that any interest earned on paid funds be returned to the federal government.

Under the bill, the local governing body would be required to determine by resolution that the advance is necessary in order to prevent undue hardship to the contractor. The amount of the advance would be an amount equal to the total value of the contract divided by the number of months in the term of the contract. The advance would be repaid over the course of the contract.