

13:17-19 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:17-19 et al

(Hackensack
Meadowlands--property--revise
penalties for
violations)

LAWS OF: 1989

CHAPTER: 27

Bill No: S2548

Sponsor(s): Ambrosio

Date Introduced: May 19, 1988

Committee: Assembly: Independent Authorities; Appropriations

Senate: Independent Authorities

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: December 19, 1988

Senate: June 30, 1988

Date of Approval: February 15, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 10-20-88 & 12-12-88

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: Yes

Hearings: Yes

(over)

974.90
R299
1987

New Jersey. Legislature, Senate. State Government,
Federal & Interstate Relations and Veterans Affairs.
Public hearing on S.R. 103,
establishes a Senate Task Force to study the Hackensack
Development Commission, held 7-28-87. Lyndhurst, N.J., 1987.

974.90
R299
1988

New Jersey. Hackensack Meadowlands Development Task Force
Public hearing on overview of the Legislative mandate...,
enabling legislation...held 1-22-88.
Lyndhurst, N.J., 1988.

974.90
R299
1988

New Jersey. Hackensack Meadowlands Development Task Force.
Public hearing, held 3-30-88.
Rutherford, N.J., 1988.

[FIRST REPRINT]
SENATE, No. 2548

STATE OF NEW JERSEY

INTRODUCED MAY 19, 1988

By Senator AMBROSIO

1 AN ACT restricting certain activities within the Hackensack
Meadowlands District, amending P.L.1968, c.404 and revising
3 the penalty provisions therein.

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

7 1. Section 18 of P.L.1968, c.404 (C.13:17-19) is amended to
read as follows:

9 18. (a) If any person[, as owner or agent,] transfers, sells, or
rents to another, or agrees to transfer, sell or rent to another any
11 land or building or other structure or constructs or alters any
building or structure within the district, or directly causes the
13 transfer, sale or rental to another, or arranges for an agreement
to transfer, sell or rent to another any land or building or other
15 structure or directly causes the construction or alteration of any
building or structure within the district, without first obtaining
17 the approval of the commission of any application for a
subdivision, site plan or building permit as may be required by
19 [this act], P.L.1968, c.404 (C.13:17-1 et seq.), [such] the person
shall be subject to a fine of not [to exceed \$200.00 or to
21 imprisonment for not more than 30 days] ¹[less than \$500.00 nor]¹
more than \$5,000.00, and each parcel, lot, plot, building, or rental
23 unit so disposed of or agreed or caused to be disposed of shall be
deemed a separate violation.

25 The commission may cancel and revoke any permit, approval or
certificate required or permitted to be granted or issued to any
27 person pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), if the
commission finds that the person has violated this subsection.
29 Where any violation of this subsection is of a continuing nature,
each day during which the continuing violation remains unabated,
31 after the date fixed by the commission in any order or notice for
the correction or termination of the violation, constitutes an
33 additional separate and distinct violation. The commission, in the

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:
¹ Assembly AAP committee amendments adopted December 12, 1988.

1 exercise of its administrative authority pursuant to P.L.1968,
2 c.404 (C.13:17-1 et seq.), may levy and collect the fines in the
3 amounts set forth in this subsection. Where an administrative
4 penalty order has not been satisfied, the penalty may be sued for
5 and recovered by and in the name of the commission in a civil
6 action brought in a summary proceeding pursuant to "the penalty
7 enforcement law," (N.J.S.2A:58-1 et seq.), in Superior Court.

8 (b) In addition to the foregoing, the commission may in the
9 case of any [such] violation [or threat of such violation] of
10 subsection (a) of this section, institute civil action:

11 (1) For injunctive relief;

12 (2) To set aside and invalidate any conveyance or lease made
13 pursuant to contract for sale or otherwise in violation of [this
14 section] subsection (a) of this section;

15 (3) To prevent such unlawful sale, rental, erection,
16 construction, reconstruction, alterations, repair, conversion,
17 maintenance or use;

18 (4) To restrain, correct, or abate such violation;

19 (5) To prevent the occupancy of said dwelling structure or
20 land; or

21 (6) To prevent any illegal act, conduct, business or use in or
22 about such premises.

23 (cf: P.L.1968, c.404, s.18)

24 2. This act shall take effect immediately.

25

26
27 **AUTHORITIES AND REGIONAL COMMISSIONS**
28 **Civil Justice**

29

30 Revises violation and penalty provision relating to sale, transfer,
31 rental, construction or alteration of certain property in the
Hackensack Meadowlands District.

1 additional separate and distinct violation. The commission, in the
2 exercise of its administrative authority pursuant to P.L. 1968, c.
3 404 (C. 13:17-1 et seq.), may levy and collect the fines in the
4 amounts set forth in this subsection. Where an administrative
5 penalty order has not been satisfied, the penalty may be sued for
6 and recovered by and in the name of the commission in a civil
7 action brought in a summary proceeding pursuant to "the penalty
8 enforcement law," (N.J.S. 2A:58-1 et seq.), in Superior Court.

9 (b) In addition to the foregoing, the commission may in the
10 case of any [such] violation [or threat of such violation] of
11 subsection (a) of this section, institute civil action:

(1) For injunctive relief;

12 (2) To set aside and invalidate any conveyance or lease made
13 pursuant to contract for sale or otherwise in violation of [this
14 section] subsection (a) of this section;

15 (3) To prevent such unlawful sale, rental, erection,
16 construction, reconstruction, alterations, repair, conversion,
17 maintenance or use;

18 (4) To restrain, correct, or abate such violation;

19 (5) To prevent the occupancy of said dwelling structure or
20 land; or

21 (6) To prevent any illegal act, conduct, business or use in or
22 about such premises.

(cf: P.L. 1968, c. 404, s. 18)

23 2. This act shall take effect immediately.

24

25 STATEMENT

26

27 This bill amends section 18 of the "Hackensack Meadowlands
28 Reclamation and Development Act," P.L. 1968, c. 404 (C.
29 13:17-19), governing land use and development within the
30 Hackensack Meadowlands District. Section 18 of that law
31 provides for the imposition of certain penalties against persons
32 who fail to obtain approval from the Hackensack Meadowlands
33 Development Commission of an application for a subdivision, site
34 plan or building permit prior to disposing of or agreeing to dispose
35 of or renting land or buildings or altering any building or other
36 structure within the district.
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38
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52548
(1988)

1 Currently, penalties for violations of section 18 include a fine
not to exceed \$200.00, imprisonment of not more than 30 days
3 and certain types of injunctive relief. This bill increases the
monetary penalties, eliminates imprisonment as a penalty,
5 provides that continuing violations of section 18, after proper
notice has been given, constitute separate violations and
7 authorizes the commission to collect penalties pursuant to "the
penalty enforcement law," (N.J.S. 2A:58-1 et seq.), by means of a
9 summary proceeding in Superior Court.

11 The bill further permits the commission to cancel and revoke
any permit, approval or certificate issued under the law in those
13 cases in which the commission finds that the person to whom the
permit, approval or certificate was granted has violated
subsection (a) of section 18.

15

17 AUTHORITIES AND REGIONAL COMMISSIONS

Civil Justice

19

21 Revises violation and penalty provision relating to sale, transfer,
rental, construction or alteration of certain property in the
Hackensack Meadowlands District.

ASSEMBLY INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 2548

STATE OF NEW JERSEY

DATED: OCTOBER 20, 1988

The Assembly Independent Authorities Committee reports favorably Senate Bill No. 2548.

As reported, the bill amends section 18 of the "Hackensack Meadowlands Reclamation and Development Act," P.L.1968, c.404 (C.13:17-19), governing land use and development within the Hackensack Meadowlands District. That section imposes penalties on a person who does not obtain the approval of the Hackensack Meadowlands Development Commission on an application for a subdivision, site plan or building permit, as the case may be, before constructing or altering any building or structure in the district, or before disposing of or renting, or agreeing to dispose of or rent, land or buildings or other structures in the district.

The bill adds to the list of actions which must be approved by the commission: agreement to transfer property to another; directly causing the transfer, sale or rental of property to another; arranging for an agreement to transfer, sell or rent property to another; and directly causing the construction or alteration of any building or structure in the district.

Currently, the penalties for violations of section 18 consist of a fine not to exceed \$200.00, or imprisonment of not more than 30 days, and certain types of injunctive relief. This bill increases the monetary penalties, eliminates imprisonment as a penalty, provides that continuing violations of section 18, after proper notice has been given, constitute separate violations and authorizes the commission to collect penalties pursuant to "the penalty enforcement law," (N.J.S.2A:58-1 et seq.), by means of a summary proceeding in Superior Court.

The bill further permits the commission to cancel and revoke any permit, approval or certificate issued under the law if the commission finds that the person to whom the permit, approval or certificate was granted has violated subsection (a) of section 18.

This bill is intended to be identical to Assembly Bill No. 2723 (1R) of 1988.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2548

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1988

The Assembly Appropriations Committee reports favorably Senate Bill No. 2548 with committee amendments.

Senate Bill No. 2548, as amended, modifies the penalties which may be imposed on persons who fail to obtain approval from the Hackensack Meadowlands Development Commission for certain dispositions of real property.

Currently, the penalties for failing to obtain approval of applications for subdivision, site plan or building permit prior to disposing of or agreeing to dispose of or renting land or buildings or altering any building or other structure within the district include a fine not to exceed \$200, imprisonment of not more than 30 days and certain types of injunctive relief. This bill provides that the fine shall not exceed \$5,000, eliminates imprisonment as a penalty, provides that continuing violations constitute separate violations subject to separate penalties, and authorizes the commission to collect penalties pursuant to "the penalty enforcement law," (N.J.S.2A:58-1 et seq.), by means of a summary proceeding in Superior Court.

The bill further permits the commission to cancel and revoke any permit, approval or certificate if the commission finds that the person to whom it was granted has failed to obtain approval for certain dispositions of real property as described above.

Senate Bill No. 2548, as amended, is identical to Assembly Bill No. 2723 (1R), as amended.

FISCAL IMPACT

This bill contains no appropriation; the bill will have no direct impact on State revenues or expenditures, since the fines affected by this bill are collected and retained by the commission.

COMMITTEE AMENDMENTS

The committee amendments, as recommended December 1, 1988 by the Sub-committee on Governmental Operations, Public

Investments and Finance eliminate the proposed minimum fine amount of \$500 so that, as under current law, fines may range from zero to the maximum provided. The amendments do not change the new maximum fine amount of \$5,000.