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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

“Land preservation bill becomes law – Trenton Governor signs bill sponsored by State Senator Steve Oroho, Assemblymen Parker Space and Hal Wirths”. The Sussex County News, July 26, 2019

RWH/CL

P.L. 2019, CHAPTER 174, *approved July 19, 2019*
Senate, No. 1707

1 **AN ACT** concerning the acquisition of certain lands for recreation
2 and conservation purposes and supplementing Title 13 of the
3 Revised Statutes.

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

7
8 1. The Legislature finds and declares that:

9 a. Enhancing the quality of life of the citizens of New Jersey is a
10 paramount policy of the State, and open space protects the natural
11 beauty and resources of the State and provides its citizens and
12 visitors to New Jersey with greater opportunities for recreation,
13 relaxation, and education, all of which contribute greatly to the
14 quality of life;

15 b. A broad diversity of animal and plant species is essential to
16 sustaining both the environment and the economy of the Garden
17 State, and the conservation of adequate habitat for those species,
18 and especially for those that are endangered, threatened, or rare, is
19 necessary to preserve this biodiversity;

20 c. Acquiring and preserving land for recreation and conservation
21 purposes also helps protect water supply and quality, which is
22 critical to the existence of all life;

23 d. Whenever land becomes available for acquisition by a
24 governmental entity for potential preservation as open space, it is
25 incumbent upon the governmental entity to make every possible
26 effort to acquire that land, especially when the land is contiguous to
27 other preserved land and the sale price is reasonable or even
28 discounted;

29 e. Antiquated or unnecessary covenants of very little or no
30 economic value persist in some deeds to properties located in
31 unformed, dissolved, or discontinued common interest
32 communities, encumbering the titles in such a way that prevents
33 their conveyance to a governmental entity to be preserved as open
34 space;

35 f. Examples of such covenants are those that authorize owners of
36 contiguous or closely associated properties to form an association
37 or other common interest community for the purpose of
38 constructing and maintaining a private road to serve the property
39 owners, or maintaining a private lake that the property owners all
40 may access and enjoy; however, in many circumstances these
41 property owners have never formed an association or other common

1 interest community or, if one was formed, it has since been
2 dissolved or discontinued;

3 g. Notwithstanding that such an association or other common
4 interest community may never have been formed or, if formed, has
5 since been dissolved or discontinued, a governmental entity may be
6 reluctant to acquire and preserve a property subject to such a deed
7 covenant because it does not wish to risk the possibility, remote as
8 it may be, of eventually having to pay dues or other fees or comply
9 with any other obligation as may be required by the covenant, or
10 engage in potentially costly or lengthy litigation on the issue;

11 h. Such uncertainty makes it difficult for a governmental entity
12 to know exactly what financial or other commitment it is making
13 for the benefit of the public, and for that reason, may cause the
14 governmental entity to decide, out of an abundance of appropriate
15 caution in conserving its financial and other assets, to not acquire
16 the property at issue;

17 i. Such a result is unacceptable for the public policy reasons
18 cited above; and

19 j. Therefore, it is appropriate and necessary for the State to
20 declare and provide by law that any such covenant is void in all
21 respects and unenforceable with regard to land that is acquired by a
22 governmental entity for preservation as open space for recreation
23 and conservation purposes.

24

25 2. As used in this act:

26 “Governmental entity” means the State or a county, municipality,
27 or other political subdivision of the State, or any agency, authority,
28 department, or other entity thereof.

29 “Recreation and conservation purposes” means the same as that
30 term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

31

32 3. a. Whenever a governmental entity acquires land to be
33 preserved for recreation and conservation purposes, and the deed
34 for the land includes any covenant authorizing the owner of the land
35 and other landowners whose deeds include the same covenant to
36 form an association or other common interest community for a
37 common purpose, which may or may not also authorize dues, fees,
38 or other obligations to be charged or imposed in connection
39 therewith, the covenant shall be void in all respects and
40 unenforceable with regard to the land acquired by the governmental
41 entity, provided that the governmental entity:

42 (1) acquires the land before any such association or other
43 common interest community has been formed or after the
44 dissolution or discontinuation of any previously existing association
45 or other common interest community; and

46 (2) owns land preserved for recreation and conservation purposes
47 that is contiguous to the land acquired, or the contiguous land is
48 owned by another governmental entity for such purposes.

1 formed a common interest community or, if one has been formed, it
2 has since been dissolved or discontinued.

3 Notwithstanding that such a common interest community may
4 never have been formed or, if formed, has since been dissolved or
5 discontinued, a governmental entity may be reluctant to acquire and
6 preserve a property subject to such a deed covenant because it does
7 not wish to risk the possibility, remote as it may be, of eventually
8 having to pay dues or other fees or comply with any other
9 obligation as may be required by the covenant, or engage in
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11 uncertainty makes it difficult for a governmental entity to know
12 exactly what financial or other commitment it is making for the
13 benefit of the public and, for that reason, may cause the
14 governmental entity to decide, out of an abundance of appropriate
15 caution in conserving its financial and other assets, to not acquire
16 the property at issue. Such a result is unacceptable because it is
17 contrary to the important public policy goal of acquiring and
18 preserving as much contiguous open space as possible, where
19 appropriate, for the benefit of the people and the environment.

20

21

22

23

24 Exempts governmental entities acquiring lands for open space
25 located in a deed-authorized common interest community from
26 paying community fees if, at time of acquisition, community has
27 never been formed or has been dissolved or discontinued.

SENATE, No. 1707

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

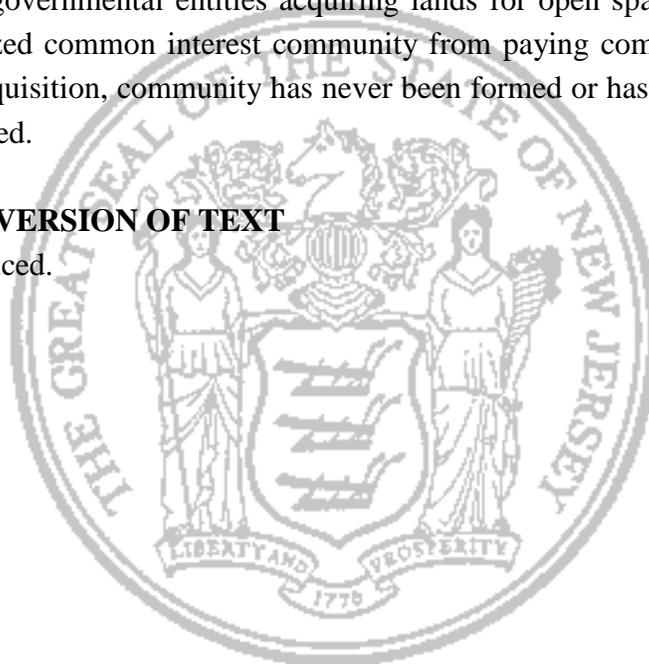
Assemblyman Houghtaling

SYNOPSIS

Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning the acquisition of certain lands for recreation
2 and conservation purposes and supplementing Title 13 of the
3 Revised Statutes.

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

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8 1. The Legislature finds and declares that:

9 a. Enhancing the quality of life of the citizens of New Jersey is a
10 paramount policy of the State, and open space protects the natural
11 beauty and resources of the State and provides its citizens and
12 visitors to New Jersey with greater opportunities for recreation,
13 relaxation, and education, all of which contribute greatly to the
14 quality of life;

15 b. A broad diversity of animal and plant species is essential to
16 sustaining both the environment and the economy of the Garden
17 State, and the conservation of adequate habitat for those species,
18 and especially for those that are endangered, threatened, or rare, is
19 necessary to preserve this biodiversity;

20 c. Acquiring and preserving land for recreation and conservation
21 purposes also helps protect water supply and quality, which is
22 critical to the existence of all life;

23 d. Whenever land becomes available for acquisition by a
24 governmental entity for potential preservation as open space, it is
25 incumbent upon the governmental entity to make every possible
26 effort to acquire that land, especially when the land is contiguous to
27 other preserved land and the sale price is reasonable or even
28 discounted;

29 e. Antiquated or unnecessary covenants of very little or no
30 economic value persist in some deeds to properties located in
31 unformed, dissolved, or discontinued common interest
32 communities, encumbering the titles in such a way that prevents
33 their conveyance to a governmental entity to be preserved as open
34 space;

35 f. Examples of such covenants are those that authorize owners of
36 contiguous or closely associated properties to form an association
37 or other common interest community for the purpose of
38 constructing and maintaining a private road to serve the property
39 owners, or maintaining a private lake that the property owners all
40 may access and enjoy; however, in many circumstances these
41 property owners have never formed an association or other common
42 interest community or, if one was formed, it has since been
43 dissolved or discontinued;

44 g. Notwithstanding that such an association or other common
45 interest community may never have been formed or, if formed, has
46 since been dissolved or discontinued, a governmental entity may be
47 reluctant to acquire and preserve a property subject to such a deed
48 covenant because it does not wish to risk the possibility, remote as

1 it may be, of eventually having to pay dues or other fees or comply
2 with any other obligation as may be required by the covenant, or
3 engage in potentially costly or lengthy litigation on the issue;

4 h. Such uncertainty makes it difficult for a governmental entity
5 to know exactly what financial or other commitment it is making
6 for the benefit of the public, and for that reason, may cause the
7 governmental entity to decide, out of an abundance of appropriate
8 caution in conserving its financial and other assets, to not acquire
9 the property at issue;

10 i. Such a result is unacceptable for the public policy reasons
11 cited above; and

12 j. Therefore, it is appropriate and necessary for the State to
13 declare and provide by law that any such covenant is void in all
14 respects and unenforceable with regard to land that is acquired by a
15 governmental entity for preservation as open space for recreation
16 and conservation purposes.

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18 2. As used in this act:

19 “Governmental entity” means the State or a county, municipality,
20 or other political subdivision of the State, or any agency, authority,
21 department, or other entity thereof.

22 “Recreation and conservation purposes” means the same as that
23 term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

24

25 3. a. Whenever a governmental entity acquires land to be
26 preserved for recreation and conservation purposes, and the deed
27 for the land includes any covenant authorizing the owner of the land
28 and other landowners whose deeds include the same covenant to
29 form an association or other common interest community for a
30 common purpose, which may or may not also authorize dues, fees,
31 or other obligations to be charged or imposed in connection
32 therewith, the covenant shall be void in all respects and
33 unenforceable with regard to the land acquired by the governmental
34 entity, provided that the governmental entity:

35 (1) acquires the land before any such association or other
36 common interest community has been formed or after the
37 dissolution or discontinuation of any previously existing association
38 or other common interest community; and

39 (2) owns land preserved for recreation and conservation purposes
40 that is contiguous to the land acquired, or the contiguous land is
41 owned by another governmental entity for such purposes.

42 b. Nothing in subsection a. of this section shall be construed to
43 prohibit an association or other common interest community in
44 existence at the time of acquisition of land by a governmental entity
45 that will preserve the land for recreation and conservation purposes,
46 from voluntarily and permanently exempting the governmental
47 entity, or otherwise releasing the land, from operation or
48 enforcement of a covenant like that described in subsection a. of

1 this section, including but not limited to, any requirement therein to
2 pay dues or other fees or comply with any other obligation.

3 c. Whenever a governmental entity acquires land in the manner
4 described in this act, the governmental entity shall not permit public
5 access to, or use of, the subject of the covenant, such as, for
6 example: (1) a private road that leads to or passes by the acquired
7 land, or (2) a private lake.

8

9 4. This act shall take effect immediately.

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11

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STATEMENT

13

14 This bill would provide that whenever a governmental entity
15 acquires land to be preserved for recreation and conservation
16 purposes, and the deed for the land includes any covenant
17 authorizing the owner of the land and other landowners whose
18 deeds include the same covenant to form an association or other
19 common interest community for a common purpose (and perhaps
20 also authorize dues, fees, or other obligations to be charged or
21 imposed for that purpose), the covenant would be deemed void in
22 all respects and unenforceable with regard to the land acquired by
23 the governmental entity, provided that the governmental entity:

24 (1) acquires the land before any such association or other
25 common interest community has been formed or after the
26 dissolution or discontinuation of any previously existing association
27 or other common interest community; and

28 (2) owns land preserved for recreation and conservation purposes
29 that is contiguous to the land acquired, or the contiguous land is
30 owned by another governmental entity for such purposes.

31 This bill is necessary because antiquated or unnecessary
32 covenants of very little or no economic value persist in some deeds
33 to properties located in unformed, dissolved, or discontinued
34 common interest communities, encumbering the titles in such a way
35 that prevents their conveyance to a governmental entity to be
36 preserved as open space. Examples of such covenants are those that
37 authorize owners of contiguous or closely associated properties to
38 form a common interest community for the purpose of constructing
39 and maintaining a private road to serve the property owners, or
40 maintaining a private lake that the property owners all may access
41 and enjoy. Yet the owners of those properties may never have
42 formed a common interest community or, if one has been formed, it
43 has since been dissolved or discontinued.

44 Notwithstanding that such a common interest community may
45 never have been formed or, if formed, has since been dissolved or
46 discontinued, a governmental entity may be reluctant to acquire and
47 preserve a property subject to such a deed covenant because it does
48 not wish to risk the possibility, remote as it may be, of eventually

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2 obligation as may be required by the covenant, or engage in
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9 the property at issue. Such a result is unacceptable because it is
10 contrary to the important public policy goal of acquiring and
11 preserving as much contiguous open space as possible, where
12 appropriate, for the benefit of the people and the environment.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

SENATE, No. 1707

STATE OF NEW JERSEY

DATED: MARCH 11, 2019

The Assembly Agriculture and Natural Resources Committee favorably reports Senate Bill No. 1707.

This bill would provide that whenever a governmental entity acquires land to be preserved for recreation and conservation purposes, and the deed for the land includes a covenant authorizing the owner of the land and other landowners whose deeds include the same covenant to form an association or other common interest community for a common purpose (and perhaps also authorize dues, fees, or other obligations to be charged or imposed for that purpose), the covenant would be deemed void in all respects and unenforceable with regard to the land acquired by the governmental entity, provided that the governmental entity:

(1) acquires the land before any such association or other common interest community has been formed or after the dissolution or discontinuation of any previously existing association or other common interest community; and

(2) owns land preserved for recreation and conservation purposes that is contiguous to the land acquired, or the contiguous land is owned by another governmental entity for such purposes.

As reported, this bill is identical to Assembly Bill No. 2534 as reported by the committee.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1707

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 2018

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1707.

This bill would provide that whenever a governmental entity acquires land to be preserved for recreation and conservation purposes, and the deed for the land includes a covenant authorizing the owner of the land and other landowners whose deeds include the same covenant to form an association or other common interest community for a common purpose (and perhaps also authorize dues, fees, or other obligations to be charged or imposed for that purpose), the covenant would be deemed void in all respects and unenforceable with regard to the land acquired by the governmental entity, provided that the governmental entity:

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ASSEMBLY, No. 2534

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Houghtaling

SYNOPSIS

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A2534 SPACE, ANDRZEJCZAK

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ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2534

STATE OF NEW JERSEY

DATED: MARCH 11, 2019

The Assembly Agriculture and Natural Resources Committee favorably reports Assembly Bill No. 2534.

This bill would provide that whenever a governmental entity acquires land to be preserved for recreation and conservation purposes, and the deed for the land includes a covenant authorizing the owner of the land and other landowners whose deeds include the same covenant to form an association or other common interest community for a common purpose (and perhaps also authorize dues, fees, or other obligations to be charged or imposed for that purpose), the covenant would be deemed void in all respects and unenforceable with regard to the land acquired by the governmental entity, provided that the governmental entity:

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(2) owns land preserved for recreation and conservation purposes that is contiguous to the land acquired, or the contiguous land is owned by another governmental entity for such purposes.

As reported, this bill is identical to Senate Bill No. 1707 as reported by the committee.

Governor Murphy Takes Action on Legislation

07/19/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

AJR26 (Downey, Houghtaling, Quijano, Mosquera, Vainieri Huttle, Benson, Jasey, McKnight/Pou, Codey) - Designates September of each year as "Youth Suicide Prevention Awareness Month" in New Jersey.

AJR87 (Murphy, Mosquera, Pinkin/Singleton, Addiego) - Designates January 11 of each year as "Alice Paul Day" in New Jersey.

A769 (Caputo, Giblin, Vainieri Huttle/A.R. Bucco, Ruiz) - Requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through 12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

A1048 (Houghtaling, Downey, Mukherji, Holley/Turner, Stack) - Requires property tax bills to contain eligibility information on State tax relief programs.

A1190 (Jones, Giblin, Mukherji/Beach, Cruz-Perez) - Concerns appointment of person to control funeral and disposition of human remains.

A1369 (Kennedy, DeAngelo, Vainieri Huttle, Benson, Quijano/Greenstein, Addiego) - Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

A1428 (McKnight, Chaparro, Chiaravalloti, Vainieri Huttle/Ruiz, Cunningham) - Requires Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

A3766 (Armato, Houghtaling, Murphy, Jones/Corrado) - Requires public officer or employee to forfeit pension upon conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment.

A5162 (Speight, Reynolds-Jackson/Beach) - Permits county board of chosen freeholders to increase membership of county board of elections.

A5456 (Armato, Kennedy, Speight/Greenstein, Bateman) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2020.

A5457 (Danielsen, Swain, Milam/Codey) - Appropriates funds to DEP for environmental infrastructure projects for FY2020.

A5462 (Milam, Speight, Murphy/Smith) - Modifies powers and duties of New Jersey Infrastructure Bank.

S692 (Ruiz, Sarlo/Jasey, Caputo, Holley) - Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.

S756 (Diegnan, Turner/Calabrese, Sumter, Pinkin) - Updates notice of elections requirements to include information for voter to obtain polling place locations.

S858 (Turner, Diegnan/Jasey, Caputo) - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate.

S954 (Vitale, Singleton, Madden/Conaway, Moriarty, Sumter, McKnight, Mukherji, Downey) - Enters New Jersey in enhanced multistate Nurse Licensure Compact.

S1373 (Andrzejczak/Land, Milam) - Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

S1707 (Oroho, Bateman, Andrzejczak/Space, Wirths) - Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

S1761 (Weinberg, Singleton/Pintor Marin, Lampitt, Pinkin, Munoz, McKeon) - Expands the Address Confidentiality Program to include victims of sexual assault and stalking; and reproductive health service patients and providers.

S1799 (A.R. Bucco/A.M. Bucco, Murphy, Caputo) - Increases membership of fire safety commission in DCA.

S2472 (Singleton, Murphy/Conaway, Timberlake) - Requires certain real estate licensees to complete courses of study concerning fair housing and housing discrimination.

S2489 (Cruz-Perez, Turner/Mosquera, Jones, Holley, McKnight, Downey) - Requires board of education to post information about child abuse hotline in each school.

S2575 (Diegnan, Greenstein/Karabinchak, Reynolds-Jackson) - Establishes task force to examine and make recommendations regarding implementation of "Anti-Bullying Bill of Rights Act."

S2944 (Ruiz, Cunningham/Pintor Marin, McKnight, Chiaravalloti) - Permits certain council members to appoint up to four fulltime equivalent aides; allows these aide positions to be divided into part-time positions.

S2994 (Ruiz/Freiman, McKeon, Schaer) – Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.

S3043 (Madden, Oroho/Mosquera, Pintor Marin) - Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

S3452 (Ruiz, Pou/Lopez, Holley, Schaer) - Requires certain consumer reporting agencies to make consumer reports available to consumers in Spanish and certain other languages.

S3899 (Ruiz/Burzichelli) - Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.