

ASSEMBLY, No. 5126

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 9, 2024

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

SYNOPSIS

Extends economic recovery term under "Municipal Rehabilitation and Economic Recovery Act."

CURRENT VERSION OF TEXT

As introduced.



A5126 SPEARMAN, MOEN

2

1 AN ACT concerning municipal rehabilitation and economic recovery
2 and amending P.L.2002, c.43.

3

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

6

7 1. Section 3 of P.L.2002, c.43 (C.52:27BBB-3) is amended to
8 read as follows:

9 3. As used in this act:

10 "Authority" means the New Jersey Economic Development
11 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et
12 seq.).

13 "Board" means the State Economic Recovery Board established
14 pursuant to section 36 of P.L.2002, c.43 (C.52:27BBB-36).

15 "Chief operating officer" means that person appointed pursuant
16 to P.L.2002, c.43 (C.52:27BBB-1 et al.) responsible for
17 reorganizing governmental operations of a qualified municipality in
18 order to assure the delivery of essential municipal services and the
19 professional administration of that municipal government.

20 "Commissioner" means the Commissioner of Community
21 Affairs.

22 "Contiguous with" means within.

23 "Director" means the Director of the Division of Local
24 Government Services in the Department of Community Affairs.

25 "Economic recovery term" means the period commencing with
26 the expiration of the term of the chief operating officer and
27 terminating **[15]** 20 years thereafter.

28 "In consultation with" means with consideration of the input of,
29 or the advice of, the mayor, governing body, chief operating officer
30 or director, as the case may be, without regard to the form or
31 manner of the consultation.

32 "Local Finance Board" means the Local Finance Board of the
33 Division of Local Government Services in the Department of
34 Community Affairs.

35 "Mayor" means the mayor or chief executive officer of the
36 municipality, as appropriate to the form of government.

37 "Project" means: (1) (a) acquisition, construction, reconstruction,
38 repair, alteration, improvement and extension of any building,
39 structure, facility, including water transmission facilities or other
40 improvement, whether or not in existence or under construction, (b)
41 purchase and installation of equipment and machinery, (c)
42 acquisition and improvement of real estate and the extension or
43 provision of utilities, access roads and other appurtenant facilities;
44 and (2) (a) the acquisition, financing, or refinancing of inventory,
45 raw materials, supplies, work in process, or stock in trade, or (b) 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.

1 financing, refinancing or consolidation of secured or unsecured
2 debt, borrowings, or obligations, or (c) the provision of financing
3 for any other expense incurred in the ordinary course of business;
4 all of which are to be used or occupied by any person in any
5 enterprise promoting employment, either for the manufacturing,
6 processing or assembly of materials or products, or for research or
7 office purposes, including, but not limited to, medical and other
8 professional facilities, or for industrial, recreational, hotel or motel
9 facilities, public utility and warehousing, or for commercial and
10 service purposes, including, but not limited to, retail outlets, retail
11 shopping centers, restaurant and retail food outlets, and any and all
12 other employment promoting enterprises, including, but not limited
13 to, motion picture and television studios and facilities and
14 commercial fishing facilities, commercial facilities for recreational
15 fishermen, fishing vessels, aquaculture facilities and marketing
16 facilities for fish and fish products and (d) acquisition of an equity
17 interest in, including capital stock of, any corporation; or any
18 combination of the above, which the authority determines will: (i)
19 tend to maintain or provide gainful employment opportunities
20 within and for the people of the State, or (ii) aid, assist and
21 encourage the economic development or redevelopment of any
22 political subdivision of the State, or (iii) maintain or increase the
23 tax base of the State or of any political subdivision of the State, or
24 (iv) maintain or diversify and expand employment promoting
25 enterprises within the State; and (3) the cost of acquisition,
26 construction, reconstruction, repair, alteration, improvement and
27 extension of an energy saving improvement or pollution control
28 project which the authority determines will tend to reduce the
29 consumption in a building devoted to industrial or commercial
30 purposes, or in an office building, of nonrenewable sources of
31 energy or to reduce, abate or prevent environmental pollution
32 within the State; and (4) the acquisition, construction,
33 reconstruction, repair, alteration, improvement, extension,
34 development, financing or refinancing of infrastructure and
35 transportation facilities or improvements related to economic
36 development and of cultural, recreational and tourism facilities or
37 improvements related to economic development and of capital
38 facilities for primary and secondary schools and of mixed use
39 projects consisting of housing and commercial development; and
40 (5) the establishment, acquisition, construction, rehabilitation,
41 improvement, and ownership of port facilities as defined in section
42 3 of P.L.1997, c.150 (C.34:1B-146). Project may also include:
43 reimbursement to any person for costs in connection with any
44 project, or the refinancing of any project or portion thereof, if such
45 actions are determined by the authority to be necessary and in the
46 public interest to maintain employment and the tax base of any
47 political subdivision and likely to facilitate improvements or the
48 completion of the project; and developing property and any

1 construction, reconstruction, improvement, alteration, equipment or
2 maintenance or repair, or planning and designing in connection
3 therewith. For the purpose of carrying out mixed use projects
4 consisting of both housing and commercial development, the
5 authority may enter into agreements with the New Jersey Housing
6 and Mortgage Finance Agency for loan guarantees for any such
7 project in accordance with the provisions of P.L.1995, c.359
8 (C.55:14K-64 et al.), and for that purpose shall allocate to the New
9 Jersey Housing and Mortgage Finance Agency, under such
10 agreements, funding available pursuant to subsection a. of section 4
11 of P.L.1992, c.16 (C.34:1B-7.13). "Project" shall not include a
12 school facilities project.

13 "Qualified municipality" means a municipality: (1) that has been
14 subject to the supervision of a financial review board pursuant to
15 the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24
16 et seq.) for at least one year; (2) that has been subject to the
17 supervision of the Local Finance Board pursuant to the "Local
18 Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-
19 1 et seq.) for at least one year; and (3) which, according to its most
20 recently adopted municipal budget, is dependent upon State aid and
21 other State revenues for not less than 55 percent of its total budget.

22 "Regional Impact Council" or "council" means that body
23 established pursuant to section 39 of P.L.2002, c.43 (C.52:27BBB-
24 39).

25 "Rehabilitation term" means that period during which the
26 qualified municipality is under the direction of the chief operating
27 officer appointed pursuant to section 7 of P.L.2002, c.43
28 (C.52:27BBB-7).

29 "Special arbitrator" means that judge designated by the Chief
30 Justice pursuant to section 5 of P.L.2002, c.43 (C.52:27BBB-5).

31 "State supervision" means supervision pursuant to Article 4 of
32 the "Local Government Supervision Act (1947)," P.L.1947, c.151
33 (C.52:27BB-54 et seq.).

34 "Treasurer" or "State treasurer" means the Treasurer of the State
35 of New Jersey.

36 "Under rehabilitation and economic recovery" means that period
37 which coincides with the rehabilitation term and the economic
38 recovery term.

39 (cf: P.L.2021, c.30, s.1)

40

41 2. Section 6 of P.L.2002, c.43 (C.52:27BBB-6) is amended to
42 read as follows:

43 6. a. Upon the appointment of a chief operating officer
44 pursuant to section 7 of P.L.2002, c.43 (C.52:27BBB-7), a qualified
45 municipality shall be under rehabilitation and economic recovery.
46 This period shall begin with the assumption of job responsibilities
47 by the chief operating officer pursuant to this section and terminate
48 **[15]** 20 years following the end of the term of the chief operating

1 officer. The period corresponding with the term of the chief
2 operating officer shall be referred to hereinafter as the rehabilitation
3 term. The period commencing with the expiration of the term of the
4 chief operating officer and terminating terminate **【15】** 20 years
5 thereafter shall be referred to hereinafter as the economic recovery
6 term.

7 b. (1) During the economic recovery term, the mayor shall
8 exercise those powers delegated to the mayor pursuant to the form
9 of government, the charter and the administrative code of the
10 municipality, and those powers delegated to the mayor under
11 general law. In addition, during the economic recovery term, the
12 mayor shall retain the power to veto the minutes of any independent
13 board or authority, including, but not limited to, the housing
14 authority, parking authority, redevelopment authority, planning
15 board and board of adjustment. No action taken at any meeting of
16 any independent board or authority shall have force or effect until
17 10 days, exclusive of Saturdays, Sundays and public holidays, after
18 the copy of the minutes shall have been delivered to the mayor. If,
19 in that 10-day period, the mayor returns the copy of the minutes
20 with a veto of any action taken by the board or authority at the
21 meeting, that action shall be null and void and of no force and
22 effect. Following the completion of the 10-day period, those
23 actions not vetoed shall be considered approved.

24 (2) During the first 18 months of the economic recovery term,
25 the mayor shall have the power to veto or terminate any
26 employment contract not subject to a collective bargaining
27 agreement, whether or not subject to Title 11A, Civil Service, of the
28 New Jersey Statutes. This shall not apply to employment contracts
29 under extension pursuant to terms under the expired contract.

30 (3) The mayor shall cause to be issued an interim report and a
31 final report on the progress of the municipality toward achieving
32 municipal rehabilitation and economic recovery, as set forth in
33 section 8 of P.L.2002, c.43 (C.52:27BBB-8). The interim report
34 shall be issued no later than June 30, **【2021】** 2026, and the final
35 report shall be issued at the end of the economic recovery term.

36 (4) The mayor shall authorize the municipal planning board,
37 from time to time, to prepare a program of municipal capital
38 improvement projects projected over a term of at least six years,
39 and amendments thereto. The program may include current and
40 future major projects being, or to be, undertaken with federal, State,
41 county, or other public funds, or under federal, State, or county
42 supervision. The first year of the program shall, upon adoption by
43 the governing body, constitute the capital budget of the
44 municipality as required by N.J.S.40A:4-43 et seq. The program
45 shall classify projects in regard to the urgency and need for
46 realization, and shall recommend a time sequence for their
47 implementation. The program may also contain the estimated cost
48 of each project and indicate probable operating and maintenance

1 costs and probable revenues, if any, as well as existing sources of
2 funds, or the need for additional sources of funds, for the
3 implementation and operation of each project. The program shall,
4 as far as possible, be based on existing information in the
5 possession of the departments and agencies of the municipality and
6 shall take into account public facility needs indicated by the
7 prospective development shown in the master plan of the
8 municipality or as permitted by other municipal land use controls.

9 (5) While the municipality is under rehabilitation and economic
10 recovery, the mayor shall retain the power to make those
11 appointments to municipal authorities, boards or commissions, as
12 the case may be, which is otherwise allocated to the mayor pursuant
13 to law.

14 The mayor may retain staff for the purpose of advising the mayor
15 and aiding in the performance of constituent services during the
16 rehabilitation term.

17 (6) The Director of the Division of Local Government Services
18 in the Department of Community Affairs shall annually conduct a
19 compliance audit of the activities of a qualified municipality during
20 the economic recovery term to ensure compliance with P.L.2002,
21 c.43 (C.52:27BBB-1 et al.) and other relevant State laws and shall
22 report the findings to the Local Finance Board and the mayor.

23 (7) The financial incentives set forth in sections 54 through 56
24 of P.L.2002, c.43 (C.52:27BBB-53 through 55) shall remain in
25 effect until the municipality is no longer eligible for financial
26 assistance pursuant to the "Special Municipal Aid Act," P.L.1987,
27 c.75 (C.52:27D-118.24 et seq.).

28 c. Upon the assumption of job responsibilities by the chief
29 operating officer, the financial review board created pursuant to
30 section 5 of P.L.1999, c.156 (C.52:27D-118.30a) to oversee the
31 finances of the municipality shall cease to function and the
32 municipality shall cease to be under supervision pursuant to Article
33 4 of P.L.1947, c.151 (C.52:27BB-54 et seq.).

34 All outstanding debts or obligations incurred by a qualified
35 municipality or the New Jersey Housing and Mortgage Finance
36 Agency established pursuant to section 4 of the "New Jersey
37 Housing and Mortgage Finance Agency Law of 1983," P.L.1983,
38 c.530 (C.55:14K-4) and secured by a right of first refusal on
39 municipally-owned property as of 10 days following a
40 determination by the commissioner that the municipality fulfills the
41 definition of a qualified municipality pursuant to section 4 of
42 P.L.2002, c.43 (C.52:27BBB-4), with any subsidiary of that agency
43 with jurisdiction in a qualified municipality, other than those debts
44 or obligations represented by bonds or other negotiable instruments,
45 are forgiven.

46 Notwithstanding the termination of the financial review board
47 and supervision, all memorandums of understanding entered into by
48 the municipality as a condition of receiving assistance under

1 P.L.1987, c.75 (C.52:27D-118.24 et seq.) that require the
2 municipality to implement any government, administrative,
3 operational efficiency or oversight measures necessary for the fiscal
4 recovery of the municipality as recommended by the director and
5 approved by the Local Finance Board shall continue to have full
6 force and effect.

7 During the rehabilitation term, the chief operating officer shall
8 be responsible for entering into any memorandum of understanding
9 on behalf of the qualified municipality that is required as a
10 condition of receiving assistance under P.L.1987, c.75 (C.52:27D-
11 118.24 et seq.), or any other law; provided, however, that those
12 memoranda of understanding shall be consistent with the provisions
13 of P.L.2002, c.43 (C.52:27BBB-1 et al.) and P.L.2007, c.176
14 (C.52:27BBB-2.2 et al.), and the powers of the chief operating
15 officer granted pursuant thereto. Any such memoranda of
16 understanding shall be executed between the chief operating officer
17 and the Director of the Division of Local Government Services in
18 the Department of Community Affairs. Whenever the powers and
19 duties of the chief operating officer have devolved upon the director
20 pursuant to subsection b. of section 7 of P.L.2002, c.43
21 (C.52:27BBB-7), the memorandum of understanding shall be
22 executed between the director, on behalf of the qualified
23 municipality, and the State Treasurer, on behalf of the State.
24 (cf: P.L.2021, c.30, s.2.)

25

26 3. This act shall take effect immediately.

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STATEMENT

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31 This bill would extend the economic recovery term under the
32 "Municipal Rehabilitation and Economic Recovery Act," P.L.2002,
33 c.43 (C.52:27BBB-1 et al.) (MRERA), by five years. This would
34 extend the special governing procedures, economic benefits, and
35 additional oversight measures provided for a qualified municipality
36 under the MRERA. Based upon the continuing unique fiscal
37 distress facing the City of Camden, it is evident that a longer
38 economic recovery term is necessary to achieving the fiscal stability
39 and economic revitalization goals of the MRERA.