

ASSEMBLY, No. 3691

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 20, 2006

Sponsored by:

Assemblywoman JENNIFER BECK

District 12 (Mercer and Monmouth)

Assemblyman BILL BARONI

District 14 (Mercer and Middlesex)

SYNOPSIS

Revises procedures for municipal redevelopment programs; prohibits certain campaign contributions by redevelopers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning redevelopment and amending and
2 supplementing P.L.1992, c.79.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) a. Notwithstanding the provisions of any
8 other law to the contrary, a State redevelopment entity shall not:
9 negotiate for, or enter into, a redevelopment agreement with any
10 redeveloper to perform any work under a redevelopment plan, if,
11 beginning after the adoption of a memorializing resolution directing
12 preliminary investigation to determine if a site is in need of
13 redevelopment, that redeveloper has made a contribution that
14 exceeds \$300 to the candidate committee of a holder of a public
15 office having ultimate responsibility for awarding the
16 redevelopment agreement or responsibility for appointment of the
17 officials who award the redevelopment agreement, or to a political
18 party committee, legislative leadership committee, political
19 committee, or continuing political committee, which engages in the
20 support of State candidates, or that exceeds an annual aggregate
21 limit of \$5,000 for all such contributions of \$300 or less.

22 b. Notwithstanding the provisions of any other law to the
23 contrary, a county redevelopment entity shall not: negotiate for, or
24 enter into, a redevelopment agreement with any redeveloper to
25 perform any work under a redevelopment plan, if, beginning after
26 the adoption of a memorializing resolution directing preliminary
27 investigation to determine if a site is in need of redevelopment that
28 redeveloper has made a contribution that exceeds \$300 to the
29 candidate committee of a holder of a public office having ultimate
30 responsibility for awarding the redevelopment agreement or
31 responsibility for appointment of the officials who award the
32 redevelopment agreement, or to a political party committee,
33 legislative leadership committee, political committee, or continuing
34 political committee, which engages in the support of county
35 candidates in that county, or that exceeds an annual aggregate limit
36 of \$5,000 for all such contributions of \$300 or less.

37 c. Notwithstanding the provisions of any other law to the
38 contrary, a municipal redevelopment entity shall not: negotiate for,
39 or enter into, a redevelopment agreement with any redeveloper to
40 perform any work under a redevelopment plan, if, beginning after
41 the adoption of a memorializing resolution directing preliminary
42 investigation to determine if a site is in need of redevelopment, that
43 redeveloper has made a contribution that exceeds \$300 to the
44 candidate committee of a holder of a public office having ultimate
45 responsibility for awarding the redevelopment agreement or

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 responsibility for appointment of the officials who award the
2 redevelopment agreement, or to a political party committee,
3 legislative leadership committee, political committee, or continuing
4 political committee, which engages in the support of municipal
5 candidates in that municipality, or that exceeds an annual aggregate
6 limit of \$5000 for all such contributions of \$300 or less.

7 d. No redeveloper who receives a State, county, or municipal
8 redevelopment agreement to perform work under a redevelopment
9 plan shall make any of the aforesaid contributions during the term
10 of any such redevelopment agreement.

11 e. None of the aforesaid committees shall accept a contribution
12 in excess of the limits set forth above from such a redeveloper
13 during the time periods set forth above.

14 f. Each committee named above shall use reasonable efforts to
15 notify contributors and potential contributors that contributions to it
16 may affect the ability of a redeveloper to enter into a redevelopment
17 agreement. Reasonable efforts shall include, but not be limited to,
18 written notifications in fundraising solicitations or donor
19 information request forms or other fundraising materials.

20 g. The Election Law Enforcement Commission shall annually
21 adjust the amounts set forth above in the same manner that
22 contributions are adjusted pursuant to section 19 of P.L.1980, c.74
23 (C.19:44A-7.1).

24 h. If a redeveloper inadvertently makes a contribution that
25 would otherwise bar it from receiving a redevelopment agreement
26 or makes a contribution during the term of a redevelopment
27 agreement in violation of this act, the redeveloper may request a full
28 reimbursement from the recipient and, if such reimbursement is
29 received within 30 days after the date of the general election, the
30 redeveloper shall again be eligible to receive a redevelopment
31 agreement or shall no longer be in violation, as appropriate. It shall
32 be presumed that contributions made within 60 days of a primary or
33 general election were not made inadvertently.

34 i. Prior to awarding a redevelopment agreement, a
35 redevelopment entity shall require the redeveloper to which the
36 redevelopment agreement is to be awarded to provide a written
37 certification that it has not made a contribution that would bar the
38 award of a redevelopment agreement pursuant to this section. A
39 redeveloper shall have a continuing duty to report to the Election
40 Law Enforcement Commission any contribution that constitutes a
41 violation of this act that is made during the duration of a
42 redevelopment agreement

43 j. As used in this section:

44 "Redeveloper" means any person, firm, corporation, or public
45 body that negotiates for, or enters into, a redevelopment agreement
46 with a State, county, or municipal redevelopment entity for the
47 redevelopment or rehabilitation of an area in need of
48 redevelopment, or an area in need of rehabilitation, or any part

1 thereof, or other work forming a part of a redevelopment or
2 rehabilitation project, and includes any principal who owns or
3 controls more than 10 percent of the profits or assets of a
4 redeveloper or 10 percent of the stock in the case of a redeveloper
5 that is a corporation for profit, as appropriate; a subsidiary directly
6 or indirectly controlled by the redeveloper; and any professional,
7 consultant, lobbyist, or governmental affairs agent who, after the
8 date that the redeveloper enters into a redevelopment agreement,
9 contracts with a redeveloper to perform services in connection with
10 a redevelopment project, and if a redeveloper is a natural person,
11 that person's spouse or child, residing therewith; and

12 “Redevelopment entity” means a State, county, or municipal
13 public body authorized by law to implement a redevelopment
14 project and carry out a redevelopment plan.

15 k. It shall be a breach of the terms of a redevelopment
16 agreement for a redeveloper to: make or solicit a contribution in
17 violation of this act; knowingly conceal or misrepresent a
18 contribution given or received; make or solicit contributions
19 through intermediaries for the purpose of concealing or
20 misrepresenting the source of the contribution; make or solicit any
21 contribution on the condition or with the agreement that it will be
22 contributed to a campaign committee of any candidate or holder of
23 the public office having ultimate responsibility for the award of
24 redemption agreement or for appointing those who enter into the
25 agreement; engage or employ a professional, consultant, lobbyist, or
26 governmental affairs agent with the intent or understanding that
27 such person would make or solicit any contribution, which if made
28 or solicited by the redeveloper, would subject that redeveloper to
29 the restrictions of this act; fund contributions made by third parties,
30 including consultants, attorneys, family members, and employees;
31 engage in any exchange or contributions to circumvent the intent of
32 this act; or directly or indirectly, through or by any other person or
33 means, do any act which would subject that redeveloper to the
34 restrictions of this act.

35 l. Nothing contained in this section shall be construed as
36 affecting the eligibility of a redeveloper to perform a redevelopment
37 agreement for a redevelopment entity because of a contribution
38 made before the effective date of this act.

39

40 2. Section 5 of P.L.1992, c.79 (40A:12A-5) is amended to read
41 as follows:

42 5. A delineated area may be determined to be in need of
43 redemption if, after investigation, notice and hearing as provided
44 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body
45 of the municipality by **[resolution]** ordinance concludes that within
46 the delineated area any of the following conditions is found:

47 a. The generality of buildings are substandard, unsafe,
48 **[unsanitary,]** dilapidated, or obsolescent, or possess any of such

1 characteristics, or are so lacking in light, air, or space, as to be
2 conducive to unwholesome living or working conditions.

3 b. The discontinuance of the use of buildings previously used
4 for commercial, manufacturing, or industrial purposes; the
5 abandonment of such buildings; or the same being allowed to fall
6 into so great a state of disrepair as to be untenable.

7 c. Land that is owned by the municipality, the county, a local
8 housing authority, redevelopment agency or redevelopment entity,
9 or unimproved vacant land that has remained so for a period of ten
10 years prior to adoption of the **[resolution]** ordinance, and that by
11 reason of its location, remoteness, lack of means of access to
12 developed sections or portions of the municipality, or topography,
13 or nature of the soil, is not likely to be developed through the
14 instrumentality of private capital.

15 d. Areas with buildings or improvements which, by reason of
16 dilapidation, obsolescence, overcrowding, faulty arrangement or
17 design, lack of ventilation, light and sanitary facilities, excessive
18 land coverage, deleterious land use or obsolete layout, or any
19 combination of these or other factors, are detrimental to the safety,
20 health, morals, or welfare of the community.

21 e. A growing lack or total lack of proper utilization of areas
22 caused by the condition of the title, diverse ownership of the real
23 property therein or other conditions, resulting in a stagnant or not
24 fully productive condition of land potentially useful and valuable
25 for contributing to and serving the public health, safety and welfare.

26 f. Areas, in excess of five contiguous acres, whereon buildings
27 or improvements have been destroyed, consumed by fire,
28 demolished or altered by the action of storm, fire, cyclone, tornado,
29 earthquake or other casualty in such a way that the aggregate
30 assessed value of the area has been materially depreciated.

31 g. **[In any municipality in which an enterprise zone has been**
32 **designated pursuant to the "New Jersey Urban Enterprise Zones**
33 **Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the**
34 **actions prescribed in that act for the adoption by the municipality**
35 **and approval by the New Jersey Urban Enterprise Zone Authority**
36 **of the zone development plan for the area of the enterprise zone**
37 **shall be considered sufficient for the determination that the area is**
38 **in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,**
39 **c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax**
40 **exemptions within the enterprise zone district pursuant to the**
41 **provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption**
42 **of a tax abatement and exemption ordinance pursuant to the**
43 **provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The**
44 **municipality shall not utilize any other redevelopment powers**
45 **within the urban enterprise zone unless the municipal governing**
46 **body and planning board have also taken the actions and fulfilled**
47 **the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)**
48 **for determining that the area is in need of redevelopment or an area**

1 in need of rehabilitation and the municipal governing body has
2 adopted a redevelopment plan ordinance including the area of the
3 enterprise zone.】 (Deleted by amendment, P.L. , c. .) (Pending
4 before the Legislature as this bill.)

5 h. 【The designation of the delineated area is consistent with
6 smart growth planning principles adopted pursuant to law or
7 regulation.】 (Deleted by amendment, P.L. , c. .) (Pending
8 before the Legislature as this bill.)

9 (cf: P.L.2003, c.125, s.3)

10
11 3. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to
12 read as follows:

13 6. a. No area of a municipality shall be determined a
14 redevelopment area unless the governing body of the municipality
15 shall, by resolution, authorize the planning board to undertake a
16 preliminary investigation to determine whether the proposed area is
17 a redevelopment area according to the criteria set forth in section 5
18 of P.L.1992, c.79 (C.40A:12A-5). Such determination shall be
19 made after public notice and public hearing as provided in
20 subsection b. of this section. The governing body of a municipality
21 shall assign the conduct of the investigation and hearing to the
22 planning board of the municipality.

23 b. (1) Before proceeding to a public hearing on the matter, the
24 planning board shall prepare a map showing the boundaries of the
25 proposed redevelopment area and the location of the various parcels
26 of property included therein. There shall be appended to the map a
27 statement setting forth the basis for the investigation.

28 (2) The planning board shall specify a date for and give notice
29 of a hearing for the purpose of hearing persons who are interested in
30 or would be affected by a determination that the delineated area is a
31 redevelopment area.

32 (3) The hearing notice shall set forth the general boundaries of
33 the area to be investigated and state that a map has been prepared
34 and can be inspected at the office of the municipal clerk. A copy of
35 the notice shall be published in a newspaper of general circulation
36 in the municipality once each week for two consecutive weeks, and
37 the last publication shall be not less than ten days prior to the date
38 set for the hearing. A copy of the notice shall be **【mailed】**
39 delivered personally or by certified mail, return receipt requested, at
40 least ten days prior to the date set for the hearing to the last owner,
41 if any, of each parcel of property lying within a radius of 200 feet
42 beyond the boundaries of the area according to the assessment
43 records of the municipality. A notice shall also be sent to all
44 persons at their last known address, if any, whose names are noted
45 on the assessment records as claimants of an interest in any such
46 parcel. Notice shall further be given on the official municipal
47 Internet web site, if the municipality maintains one, at least 10 days
48 prior to the hearing. The notice shall be provided in the manner

1 prescribed by section 7.1 of P.L.1975, c.291 (C.40:55D-12), and
2 shall specifically state that interested parties may file written
3 testimony which shall be made a part of the record of the hearing.

4 The assessor of the municipality shall make a notation upon the
5 records when requested to do so by any person claiming to have an
6 interest in any parcel of property in the municipality. The notice
7 shall be published and mailed by the municipal clerk, or by such
8 clerk or official as the planning board shall otherwise designate.
9 Failure to mail any such notice shall **[not]** invalidate the
10 investigation or determination thereon.

11 (4) At the hearing, which may be adjourned from time to time,
12 the planning board shall hear all persons who are interested in or
13 would be affected by a determination that the delineated area is a
14 redevelopment area. All objections to such a determination and
15 evidence in support of those objections, given orally or in writing,
16 shall be received and considered and made part of the public record.

17 (5) After completing its hearing on this matter, the planning
18 board shall recommend that the delineated area, or any part thereof,
19 be determined, or not be determined, by the municipal governing
20 body to be a redevelopment area. After receiving the
21 recommendation of the planning board, the municipal governing
22 body may adopt a resolution determining that the delineated area, or
23 any part thereof, is a redevelopment area. Upon the adoption of a
24 resolution, the clerk of the municipality shall, forthwith, transmit a
25 copy of the resolution to the Commissioner of Community Affairs
26 for review. If the area in need of redevelopment is not situated in
27 an area in which development or redevelopment is to be encouraged
28 pursuant to any State law or regulation promulgated pursuant
29 thereto, the determination shall not take effect without first
30 receiving the review and the approval of the commissioner. If the
31 commissioner does not issue an approval or disapproval within 30
32 calendar days of transmittal by the clerk, the determination shall be
33 deemed to be approved. If the area in need of redevelopment is
34 situated in an area in which development or redevelopment is to be
35 encouraged pursuant to any State law or regulation promulgated
36 pursuant thereto, then the determination shall take effect after the
37 clerk has transmitted a copy of the resolution to the commissioner.
38 The determination, if supported by substantial evidence and, if
39 required, approved by the commissioner, shall be binding and
40 conclusive upon all persons affected by the determination. Notice
41 of the determination shall be served, within 10 days after the
42 determination, upon each person who filed a written objection
43 thereto and stated, in or upon the written submission, an address to
44 which notice of determination may be sent.

45 (6) If written objections were filed in connection with the
46 hearing, the municipality shall, for 45 days next following its
47 determination to which the objections were filed, take no further

1 action to acquire any property by condemnation within the
2 redevelopment area.

3 (7) If a person who filed a written objection to a determination
4 by the municipality pursuant to this subsection shall, within 45 days
5 after the adoption by the municipality of the determination to which
6 the person objected, apply to the Superior Court, the court may
7 grant further review of the determination by procedure in lieu of
8 prerogative writ; and in any such action the court may make any
9 incidental order that it deems proper.

10 c. An area determined to be in need of redevelopment pursuant
11 to this section shall be deemed to be a "blighted area" for the
12 purposes of Article VIII, Section III, paragraph 1 of the
13 Constitution. If an area is determined to be a redevelopment area
14 and a redevelopment plan is adopted for that area in accordance
15 with the provisions of this act, the municipality is authorized to
16 utilize all those powers provided in section 8 of P.L.1992, c.79
17 (C.40A:12A-8).

18 (cf: P.L.2003, c.125, s.4)

19

20 4. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to
21 read as follows:

22 7. a. No redevelopment project shall be undertaken or carried
23 out except in accordance with a redevelopment plan adopted by
24 ordinance of the municipal governing body, upon its finding that the
25 specifically delineated project area is located in an area in need of
26 redevelopment or in an area in need of rehabilitation, or in both,
27 according to criteria set forth in section 5 or section 14 of P.L.1992,
28 c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

29 The redevelopment plan shall include an outline for the planning,
30 development, redevelopment, or rehabilitation of the project area
31 sufficient to indicate:

32 (1) Its relationship to definite local objectives as to appropriate
33 land uses, density of population, and improved traffic and public
34 transportation, public utilities, recreational and community facilities
35 and other public improvements.

36 (2) Proposed land uses and building requirements in the project
37 area.

38 (3) Adequate provision for the temporary and permanent
39 relocation, as necessary, of residents in the project area, including
40 an estimate of the extent to which decent, safe and sanitary dwelling
41 units affordable to displaced residents will be available to them in
42 the existing local housing market.

43 (4) An identification of any property within the redevelopment
44 area which is proposed to be acquired in accordance with the
45 redevelopment plan.

46 (5) Any significant relationship of the redevelopment plan to (a)
47 the master plans of contiguous municipalities, (b) the master plan of
48 the county in which the municipality is located, and (c) the State

1 Development and Redevelopment Plan adopted pursuant to the
2 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

3 b. A redevelopment plan may include the provision of
4 affordable housing in accordance with the "Fair Housing Act,"
5 P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of
6 the municipal master plan.

7 c. The redevelopment plan shall describe its relationship to
8 pertinent municipal development regulations as defined in the
9 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
10 The redevelopment plan shall supersede applicable provisions of the
11 development regulations of the municipality or constitute an
12 overlay zoning district within the redevelopment area. When the
13 redevelopment plan supersedes any provision of the development
14 regulations, the ordinance adopting the redevelopment plan shall
15 contain an explicit amendment to the zoning district map included
16 in the zoning ordinance. The zoning district map as amended shall
17 indicate the redevelopment area to which the redevelopment plan
18 applies. Notwithstanding the provisions of the "Municipal Land
19 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no
20 notice beyond that required for adoption of ordinances by the
21 municipality shall be required for the hearing on or adoption of the
22 redevelopment plan or subsequent amendments thereof.

23 d. All provisions of the redevelopment plan shall be either
24 substantially consistent with the municipal master plan or designed
25 to effectuate the master plan; but the municipal governing body may
26 adopt a redevelopment plan which is inconsistent with or not
27 designed to effectuate the master plan by affirmative vote of a
28 majority of its full authorized membership with the reasons for so
29 acting set forth in the redevelopment plan.

30 e. Prior to the adoption of a redevelopment plan, or revision or
31 amendment thereto, the planning board shall transmit to the
32 governing body, within 45 days after referral, a report containing its
33 recommendation concerning the redevelopment plan. This report
34 shall include an identification of any provisions in the proposed
35 redevelopment plan that are inconsistent with the master plan and
36 recommendations concerning these inconsistencies and any other
37 matters as the board deems appropriate. The governing body, when
38 considering the adoption of a redevelopment plan or revision or
39 amendment thereof, shall review the report of the planning board
40 and may approve or disapprove or change any recommendation by a
41 vote of a majority of its full authorized membership and shall
42 record in its minutes the reasons for not following the
43 recommendations. Failure of the planning board to transmit its
44 report within the required 45 days shall relieve the governing body
45 from the requirements of this subsection with regard to the pertinent
46 proposed redevelopment plan or revision or amendment thereof.
47 Nothing in this subsection shall diminish the applicability of the

1 provisions of subsection d. of this section with respect to any
2 redevelopment plan or revision or amendment thereof.

3 f. (1) The governing body of a municipality may direct the
4 planning board to prepare a redevelopment plan or an amendment
5 or revision to a redevelopment plan for a designated redevelopment
6 area. After completing the redevelopment plan, the planning board
7 shall transmit the proposed plan to the governing body for its
8 adoption. The governing body, when considering the proposed
9 plan, may amend or revise any portion of the proposed
10 redevelopment plan by an affirmative vote of the majority of its full
11 authorized membership and shall record in its minutes the reasons
12 for each amendment or revision. When a redevelopment plan or
13 amendment to a redevelopment plan is referred to the governing
14 body by the planning board under this subsection, the governing
15 body shall be relieved of the referral requirements of subsection e.
16 of this section.

17 (2) The drafting of the redevelopment plan shall be subject to a
18 public hearing process conducted pursuant to the "Open Public
19 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). If the
20 governing body directs the planning board to prepare the
21 redemption plan pursuant to this subsection, the planning board
22 shall hold a public hearing on the plan prior to the vote on
23 recommending the redevelopment plan to the governing body. The
24 planning board shall also provide an opportunity for public input
25 during the preparation of the redevelopment plan. The notice for
26 any public meeting set forth in this section shall be provided in the
27 manner prescribed by section 7.1 of P.L.1975, c.291 (C.40:55D-12).
28 The redevelopment plan shall be available for public inspection in
29 the office of the planning board at least 10 days prior to the public
30 hearing which precedes the vote on recommendation of the plan. If
31 the municipal governing body prepares the redevelopment plan
32 itself, it shall conduct a public hearing on the document in
33 accordance with the requirements for adoption of an ordinance and
34 may hold a public hearing prior to ordering the plan's preparation.

35 (cf: P.L.1992, c.79, s.7)

36
37 5. Section 8 of P.L.1992, c.79 (40A:12A-8) is amended to read
38 as follows:

39 8. Upon the adoption of a redevelopment plan pursuant to
40 section 7 of P.L.1992, c.79 (C.40A:12A-7), the municipality or
41 redevelopment entity designated by the governing body may
42 proceed with the clearance, replanning, development and
43 redevelopment of the area designated in that plan. In order to carry
44 out and effectuate the purposes of this act and the terms of the
45 redevelopment plan, the municipality or designated redevelopment
46 entity may:

- 1 a. Undertake redevelopment projects, and for this purpose issue
2 bonds in accordance with the provisions of section 29 of P.L.1992,
3 c.79 (C.40A:12A-29).
- 4 b. Acquire property pursuant to subsection i. of section 22 of
5 P.L.1992, c.79 (C.40A:12A-22).
- 6 c. Acquire, by condemnation, any land or building which is
7 necessary for the redevelopment project, pursuant to the provisions
8 of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et
9 seq.).
- 10 d. Clear any area owned or acquired and install, construct or
11 reconstruct streets, facilities, utilities, and site improvements
12 essential to the preparation of sites for use in accordance with the
13 redevelopment plan.
- 14 e. Prepare or arrange by contract for the provision of
15 professional services and the preparation of plans by registered
16 architects, licensed professional engineers or planners, or other
17 consultants for the carrying out of redevelopment projects.
- 18 f. Arrange or contract with public agencies or redevelopers for
19 the planning, replanning, construction, or undertaking of any
20 project or redevelopment work, or any part thereof; negotiate and
21 collect revenue from a redeveloper to defray the costs of the
22 redevelopment entity, including where applicable the costs incurred
23 in conjunction with bonds, notes or other obligations issued by the
24 redevelopment entity, and to secure payment of such revenue; as
25 part of any such arrangement or contract, provide for extension of
26 credit, or making of loans, to redevelopers to finance any project or
27 redevelopment work, or upon a finding that the project or
28 redevelopment work would not be undertaken but for the provision
29 of financial assistance, or would not be undertaken in its intended
30 scope without the provision of financial assistance, provide as part
31 of an arrangement or contract for capital grants to redevelopers; and
32 arrange or contract with public agencies or redevelopers for the
33 opening, grading or closing of streets, roads, roadways, alleys, or
34 other places or for the furnishing of facilities or for the acquisition
35 by such agency of property options or property rights or for the
36 furnishing of property or services in connection with a
37 redevelopment area. The contract shall be made and awarded
38 pursuant to the provisions of the "Local Public Contracts Law,"
39 P.L.1971, c.198 (C.40A:11-1 et seq.). The governing body shall
40 conduct a public hearing in accordance with the provisions of the
41 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) to
42 consider the proposals of all entities seeking to be designated as the
43 redeveloper. Each candidate shall make a presentation to the
44 municipal governing body and respond to questions from all
45 interested parties. Public notice of the hearing shall be made in
46 accordance with the conditions required for a public hearing on an
47 ordinance, and shall be delivered personally or by certified mail,
48 return receipt requested, to all property owners whose properties lie

1 within a radius of 200 feet beyond the boundaries of the area
2 designated for redevelopment in the redevelopment plan. The vote
3 of the governing body to enter into a redevelopment agreement, as
4 defined in section 2 of P.L.1995, c.173 (40A:12A-51), shall also
5 require a public hearing in accordance with the conditions required
6 for hearing an ordinance, and shall include notice to all property
7 owners whose properties lie within a radius of 200 feet beyond the
8 boundaries of the area designated for redevelopment in the
9 redevelopment plan. All interested parties shall have the right to
10 question the redeveloper as well as provide input to the governing
11 body. Any amendment to the redevelopment agreement shall also
12 require a public hearing.

13 g. Lease or convey property or improvements to any other party
14 pursuant to this section, without public bidding and at such prices
15 and upon such terms as it deems reasonable, provided that the lease
16 or conveyance is made in conjunction with a redevelopment plan,
17 notwithstanding the provisions of any law, rule, or regulation to the
18 contrary.

19 h. Enter upon any building or property in any redevelopment
20 area in order to conduct investigations or make surveys, sounding or
21 test borings necessary to carry out the purposes of this act.

22 i. Arrange or contract with a public agency for the relocation,
23 pursuant to the "Relocation Assistance Law of 1967," P.L.1967,
24 c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act,"
25 P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or
26 commerce displaced from a redevelopment area.

27 j. Make, consistent with the redevelopment plan: (1) plans for
28 carrying out a program of voluntary repair and rehabilitation of
29 buildings and improvements; and (2) plans for the enforcement of
30 laws, codes, and regulations relating to the use and occupancy of
31 buildings and improvements, and to the compulsory repair,
32 rehabilitation, demolition, or removal of buildings and
33 improvements.

34 k. Request that the planning board recommend and governing
35 body designate particular areas as being in need of redevelopment
36 or rehabilitation in accordance with the provisions of this act and
37 make recommendations for the redevelopment or rehabilitation of
38 such areas.

39 l. Study the recommendations of the planning board or
40 governing body for redevelopment of the area.

41 m. Publish and disseminate information concerning any
42 redevelopment area, plan or project.

43 n. Do all things necessary or convenient to carry out its powers.
44 (cf: P.L.1992, c.79, s.8)

45

46 6. This act shall take effect immediately.

STATEMENT

This bill would ban certain contributions by redevelopers and their consultants from the onset of the redevelopment process to the completion of the redevelopment agreement. Specifically, it would prohibit a State, county or municipal redevelopment entity from negotiating for, or entering into, a redevelopment agreement with any redeveloper to perform any work under a redevelopment plan, if, after the adoption of a memorializing resolution directing preliminary investigation to determine if a site is in need of redevelopment, that redeveloper has made a contribution that exceeds \$300 to the candidate committee of a holder of a public office having ultimate responsibility for awarding the redevelopment agreement or responsibility for appointment of the officials who award the redevelopment agreement, or to any political party committee, legislative leadership committee, or political committee, or continuing political committee, which engages in the support of certain candidates in that jurisdiction, or that exceeds an annual aggregate limit of \$5,000 for all such contributions of \$300 or less. A redeveloper who receives a State, county, or municipal redevelopment agreement to perform work under a redevelopment plan would be prohibited from making any of these contributions during the term of such redevelopment agreement. These committees would also be unable to accept a contribution in excess of those limits from a redeveloper during the indicated time periods.

Each committee would be required to use reasonable efforts to notify contributors and potential contributors that contributions to it may affect the ability of a redeveloper to enter into a redevelopment agreement.

The Election Law Enforcement Commission will annually adjust the amounts set forth above based upon changes in the cost of living.

If a redeveloper inadvertently makes a contribution that would otherwise bar it from receiving a redevelopment agreement or makes a contribution during the term of a redevelopment agreement in violation of the bill's provisions, the redeveloper may request a full reimbursement from the recipient and, if such reimbursement is received within 30 days after the date of the general election, the redeveloper would again be eligible to receive a redevelopment agreement or would no longer be in violation, as appropriate. It will be presumed that contributions made within 60 days of a primary or general election were not made inadvertently.

Prior to awarding a redevelopment agreement, a redevelopment entity must require the redeveloper to which the redevelopment agreement is to be awarded to provide a written certification that it has not made a contribution that would bar the award of a redevelopment agreement pursuant to the bill. A redeveloper will

1 have a continuing duty to report to the Election Law Enforcement
2 Commission any contribution that constitutes a violation of the bill
3 that is made during the duration of a redevelopment agreement.

4 Under the bill, “redeveloper” means any person, firm,
5 corporation, or public body that negotiates for, or enters into, a
6 redevelopment agreement with a State, county, or municipal
7 redevelopment entity for the redevelopment or rehabilitation of an
8 area in need of redevelopment, or an area in need of rehabilitation,
9 or any part thereof, or other work forming a part of a redevelopment
10 or rehabilitation project, and includes all principals who own or
11 control more than 10 percent of the profits or assets of a
12 redeveloper or 10 percent of the stock in the case of a redeveloper
13 that is a corporation for profit, as appropriate; a subsidiary directly
14 or indirectly controlled by the redeveloper; and a professional,
15 consultant, lobbyist, or governmental affairs agent who, after the
16 date that the redeveloper enters into a redevelopment agreement,
17 contracts with a redeveloper to perform services in connection with
18 a redevelopment project, and if a redeveloper is a natural person,
19 that person's spouse or child, residing therewith, are also included
20 within this definition; and

21 “redevelopment entity” means a State, county, or municipal
22 public body authorized by law to implement a redevelopment
23 project and carry out a redevelopment plan.

24 It would be a breach of the terms of a redevelopment agreement
25 for a redeveloper to make contributions, directly or indirectly, that
26 are in violation of the bill’s provisions.

27 Contributions made before the bill’s effective date will not affect
28 the eligibility of a redeveloper to perform under a redevelopment
29 agreement for a redevelopment entity.

30 The bill would also eliminate the "Smart Growth" basis for
31 authorizing the designation of an area in need of redevelopment and
32 for use of eminent domain powers, because its relationship to the
33 concept of a “blighted area,” specified under the Constitution, is
34 very tenuous.

35 The bill would expand the public notice requirements for
36 redevelopment agreements, covering residents living within 200
37 feet of the boundaries in the area of prospective redevelopment.

38 The bill would provide expanded opportunities for public
39 questions and input at planning board and council meetings
40 concerning redevelopment decisions.

41 Finally, the bill would require annual disclosure of certain
42 contributions by redevelopers to the Election Law Enforcement
43 Commission.