

# SENATE, No. 119

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## STATE OF NEW JERSEY 215th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

### **SYNOPSIS**

Revises laws concerning local redevelopment, relocation assistance and eminent domain.

### **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1   **AN ACT** concerning redevelopment, relocation assistance and  
2       eminent domain, and amending and supplementing various parts  
3       of the statutory law.  
4  
5   **WHEREAS**, Article VIII, Section III, paragraph 1 of the New Jersey  
6       Constitution empowers the Legislature to authorize  
7       municipalities to clear, replan, develop, and redevelop blighted  
8       areas; and  
9   **WHEREAS**, The Legislature has authorized municipalities to  
10      undertake programs to redevelop blighted areas; and  
11   **WHEREAS**, Municipalities have used these programs to arrest and  
12      reverse blighted conditions to promote sound planning,  
13      revitalize tax bases, and improve the public safety, health, and  
14      welfare of their communities; and  
15   **WHEREAS**, In exercising their responsibilities and implementing  
16      redevelopment programs municipalities have exercised the  
17      power of eminent domain; and  
18   **WHEREAS**, The increase in redevelopment activity throughout the  
19      State, including the use of eminent domain, together with the  
20      2005 United States Supreme Court decision in *Kelo v. City of*  
21      *New London, Connecticut*, 545 U.S. 469 (2005), have heightened  
22      the public concern with municipal redevelopment activities; and  
23   **WHEREAS**, The Legislature has undertaken a comprehensive review  
24      of the redevelopment laws and has convened public meetings and  
25      received testimony and correspondence from groups and  
26      individuals interested in redevelopment programs, including  
27      municipal officials, property owners, developers, and members  
28      of the general public; and  
29   **WHEREAS**, Following this comprehensive review, the Legislature  
30      now declares that redevelopment remains a valid and important  
31      public purpose and that the implementation of redevelopment  
32      programs continues to be a vital tool for municipal officials that  
33      must be maintained to allow them to continue to meet their  
34      governmental responsibilities to prevent, arrest, and reverse  
35      deleterious property conditions within their municipal borders;  
36      and that the power of eminent domain remains necessary in  
37      certain cases to effectively implement such redevelopment  
38      responsibilities and powers; and  
39   **WHEREAS**, Following this comprehensive review, the Legislature  
40      also declares that changes to the existing law are necessary: to  
41      ensure that affected property owners and the general public are  
42      provided adequate notice of a municipality's interest in  
43      developing a redevelopment program; to revise the definition of  
44      blight so that it is more specific, more objective, and  
45      incorporates terms that have well-established or historical

**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 meanings, are capable of third party review, or limit the  
2 possibility of very broad and expansive interpretation; to afford  
3 stakeholders the opportunity to be heard during the process  
4 undertaken to develop redevelopment programs; to add  
5 transparency to the exercise of a legitimate governmental  
6 function; to create certainty that redevelopment programs are  
7 authorized and undertaken in a deliberative and open process; to  
8 ensure that the social and economic impacts of redevelopment  
9 are adequately addressed, including affordable housing and  
10 comparable replacement housing for households displaced by  
11 redevelopment; to provide that such programs, once properly  
12 adopted, are implemented in a fair and certain manner, including  
13 a public process, where appropriate, for the selection of  
14 redevelopers seeking the assistance of municipal officials in  
15 constructing a redevelopment project on municipally owned or  
16 acquired property; to ensure that the use of eminent domain for  
17 redevelopment is an absolute last resort, used only after other  
18 options have been fully explored and deemed insufficient to  
19 reasonably achieve the goals of the redevelopment plan; to  
20 provide a just measure of compensation to property owners who  
21 are subject to eminent domain; and to afford protection and  
22 finality to such redevelopment programs properly created under  
23 these heightened standards for enactment. These changes will  
24 restore public confidence in local redevelopment programs by  
25 assuring that interested parties are provided access into a fair,  
26 open, and deliberative process; and

27 **WHEREAS**, The New Jersey Supreme Court in *Gallenthin Realty*  
28 *Development, Inc. v. Borough of Paulsboro*, 191 N.J. 344  
29 (2007), has clarified the meaning of the term blight as used in  
30 Article VIII, Section III, paragraph 1 of the New Jersey  
31 Constitution, which is consistent with the intent of the  
32 Legislature to limit the circumstances under which eminent  
33 domain can be used; and

34 **WHEREAS**, The Appellate Division of the Superior Court in  
35 *Harrison Redev. Agency v. DeRose*, 398 N.J. Super. 361 (App.  
36 Div. 2008) has clarified the “constitutionally-essential  
37 components” for notice under the “Local Redevelopment and  
38 Housing Law,” which is consistent with the intent of the  
39 Legislature to expand the notice requirements set forth in  
40 current law; and

41 **WHEREAS**, The Legislature also: declares that municipalities should  
42 be encouraged to engage in redevelopment without resorting to  
43 the taking of property by eminent domain, recognizes that  
44 increasing procedural requirements to enhance the transparency  
45 of the redevelopment process will increase the cost for  
46 municipalities to engage in the process, and that it is therefore  
47 appropriate to establish alternative types of redevelopment

1 areas, both of which must satisfy the constitutional meaning of  
2 the term blight, but which will allow municipalities to pursue  
3 redevelopment through more or less costly procedures  
4 depending upon whether they want to have the power to  
5 exercise eminent domain within the redevelopment area; now,  
6 therefore:

7  
8 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
9 *of New Jersey:*

10  
11 1. Section 2 of P.L.1971, c.361 (C.20:3-2) is amended to read as  
12 follows:

13 2. When used in **[this act]** P.L.1971, c.361 (C.20:3-1 et seq.),  
14 unless the context or subject matter otherwise requires, the  
15 following words shall have the meanings ascribed to them under  
16 this section:

17 (a) "Condemn" means to take private property for a public  
18 purpose under the power of eminent domain;

19 (b) "Condemnor" or "prospective condemnor" or "taking agency"  
20 means the entity, public or private, including the State of New  
21 Jersey, which is condemning or has the power to condemn private  
22 property for a public purpose under the power of eminent domain;

23 (c) "Condemnee" or "prospective condemnee" means the owner  
24 of an interest in the private property **[being condemned]** subject to  
25 potential or actual condemnation for a public purpose under the  
26 power of eminent domain;

27 (d) "Property" means land, or any interest in land, and (1) any  
28 building, structure or other improvement imbedded or affixed to  
29 land, and any article so affixed or attached to such building,  
30 structure or improvement as to be an essential and integral part  
31 thereof, (2) any article affixed or attached to such property in such  
32 manner that it cannot be removed without material injury to itself  
33 or to the property, (3) any article so designed, constructed, or  
34 specially adapted to the purpose for which such property is used  
35 that (a) it is an essential accessory or part of such property; (b) it is  
36 not capable of use elsewhere; and (c) would lose substantially all  
37 its value if removed from such property;

38 (e) "Court" means Superior Court of New Jersey;

39 (f) "Rules" means the applicable rules governing the courts of  
40 the State of New Jersey as promulgated from time to time by the  
41 Supreme Court of New Jersey;

42 (g) "Action" means the legal proceeding in which

43 (1) property is being condemned or required to be condemned;

44 (2) the amount of compensation to be paid for such  
45 condemnation is being fixed;

46 (3) the persons entitled to such compensation and their interests  
47 therein are being determined; and

1 (4) all other matters incidental to or arising therefrom are being  
2 adjudicated.

3 (h) "Compensation" means the just compensation which the  
4 condemnor is required to pay and the condemnee is entitled to  
5 receive according to law as the result of the condemnation of  
6 property;

7 (i) "Award" means the award of compensation made by the  
8 commissioners provided for herein;

9 (j) "Judgment" means the adjudication by the court of any issue  
10 of fact or law, or both, arising under **[this act]** P.L.1971, c.361  
11 (C.20:3-1 et seq.). The adjudication of the right to condemn shall  
12 be a final judgment. All other judgments shall be interlocutory or  
13 final, according to law, or as may be prescribed by the rules;

14 (k) "Recording office" means the county office of each county  
15 in which the property being condemned, or any part thereof, is  
16 located, in which office conveyances of real property may be  
17 recorded;

18 (l) "Days" means calendar days, calculated in accordance with  
19 the rules of court;

20 (m) "Public utility" means and includes every public utility, as  
21 the same are enumerated in **[Revised Statutes]** R.S.48:2-13, and  
22 every natural gas pipeline utility as defined in P.L.1952, **[chapter]**  
23 c.166 (C.48:10-2 et seq.) vested with the power of eminent domain  
24 and subject to regulation under State or Federal law.

25 (n) Words used in the singular shall include the plural and vice  
26 versa. Words used in the neuter gender shall include masculine and  
27 feminine gender, as the case may be.

28 (cf: P.L.1971, c.361, s.2)

29

30 2. Section 6 of P.L.1971, c.361 (C.20:3-6) is amended to read as  
31 follows:

32 6. a. Whenever any condemnor shall have determined to acquire  
33 property pursuant to law, including public property already devoted  
34 to public purpose, but cannot acquire title thereto or possession  
35 thereof by agreement with a prospective condemnee, whether by  
36 reason of disagreement concerning the compensation to be paid or  
37 for any other cause, the condemnation of such property and the  
38 compensation to be paid therefor, and to whom payable, and all  
39 matters incidental thereto and arising therefrom shall be governed,  
40 ascertained and paid by and in the manner provided by **[this act]**  
41 P.L.1971, c.361 (C.20:3-1 et seq.); provided, however, that no  
42 action to condemn shall be instituted unless the condemnor is  
43 unable to acquire such title or possession through bona fide  
44 negotiations with the prospective condemnee, which negotiations  
45 shall include an offer in writing by the condemnor to the  
46 prospective condemnee holding the title of record to the property  
47 being condemned, setting forth the property and interest therein to

1 be acquired, the compensation offered to be paid and [a reasonable  
2 disclosure of the manner in which the amount of such offered  
3 compensation has been calculated] a copy of the appraisal upon  
4 which the offer has been based and which was approved by the  
5 condemnor, and such other matters as may be required by the rules.

6 b. Prior to such offer the taking agency shall appraise said  
7 property and the owner, his agents and consultants shall be given an  
8 opportunity to accompany the appraiser and any other non-real  
9 estate expert or consultant hired by the condemnor or redeveloper  
10 during inspection of the property. [Such offer] The owner, his  
11 agents and consultants may provide to the taking agency's appraiser,  
12 other expert or consultant, information or data, or otherwise raise  
13 issues of concern, including information concerning outstanding  
14 balances on bona fide mortgages, and otherwise raise issues relating  
15 to the valuation of the property and damages to the remainder  
16 arising from the proposed acquisition.

17 c. (1) The appraiser, redeveloper, and any other non-real estate  
18 experts or consultants hired by the redeveloper or taking agency  
19 shall transmit to the taking agency, in written form signed by the  
20 property owner, all information and issues of concern provided to  
21 those persons by the owner and his agents and consultants.

22 (2) The approved appraisal shall include any such information in  
23 the determination of the estimate of fair market value to the extent  
24 that it has an effect, if any, upon fair market value as permitted by  
25 law and shall reflect value attributable to the location of the  
26 property including benefits that accrue to a business as a result of  
27 proximity to favorable pedestrian, mass transportation, or vehicular  
28 traffic.

29 (3) If the owner declines to sign the written information and  
30 issues of concern, the appraiser, redeveloper, or other non-real  
31 estate experts or consultants, as appropriate, shall send a confirming  
32 letter to that effect to the taking agency, with a copy to the property  
33 owner by certified mail, return receipt requested. The confirming  
34 letter shall satisfy the requirements of this section.

35 d. (1) The value of the property reflected in the written offer  
36 shall constitute a summation of all the values of all the separate  
37 interests in the property.

38 (2) Prospective condemnees who do not hold the title of record  
39 to the property being condemned, including but not limited to  
40 holders of an interest in land, improvements, machinery, or  
41 equipment, and who claim entitlement to all or some part of the  
42 condemnation proceeds, may present non-cumulative proofs, but  
43 only to the extent of their respective interests, not for a separate  
44 valuation thereof, and only to the extent necessary to insure that  
45 their value is considered. Nothing herein shall be construed as  
46 requiring a condemnor to negotiate with or to tender a written offer

1 to a prospective condemnee who does not hold the title of record to  
2 the property being condemned.

3 (3) Any provision of a lease or other agreement, entered into  
4 after the effective date of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill) terminating a leasehold or other property  
6 interest in the event of condemnation of the property is waived and  
7 shall be deemed against public policy and void. Despite a lease  
8 provision or contractual waiver to the contrary entered into after the  
9 effective date of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill), a tenant shall be entitled to an allocation for  
11 the value of its leasehold, including capital improvements,  
12 machinery, and equipment that cannot be relocated, from the award  
13 of the value of the fee interest.

14 e. The written offer made by a condemnor to a prospective  
15 condemnee holding record title to the property shall be served by  
16 certified mail, return receipt requested, by a private courier, or in  
17 person along with a copy of the approved appraisal. In no event  
18 shall such offer be less than the taking agency's approved appraisal  
19 of the fair market value of such property. [A rejection of said offer  
20 or failure to accept the same within the period fixed in written offer,  
21 which shall in no case be less than 14 days from the mailing of the  
22 offer, shall]

23 f. (1) The prospective condemnee shall be afforded 45 calendar  
24 days from receipt of the written offer to review the offer and the  
25 approved appraisal upon which the offer was based, to seek  
26 clarification thereof as well as any other relevant information, to  
27 allow an opportunity to negotiate the compensation to be paid, and  
28 to request an opportunity to discuss the offer and the basis thereof  
29 with a representative of the condemnor in person.

30 (2) Prior to the expiration of this 45-day period, the prospective  
31 condemnee may request, in writing, an extension of this 45-day  
32 period for a period not exceeding an additional 25 days, for a total  
33 of 70 calendar days, which shall not be denied except for good  
34 cause shown by the condemnor. During this period, as it may be  
35 extended, the prospective condemnee may seek additional relevant  
36 information regarding the offer or regarding the project.

37 (3) Within the time period, as may be extended, the condemnor  
38 shall provide reasonable and timely responses to requests for  
39 information and for explanations and shall afford an opportunity for  
40 the condemnee to meet in person on at least one occasion with a  
41 representative of the condemnor to discuss the offer and the basis  
42 thereof.

43 (4) The prospective condemnee may also obtain its own appraisal  
44 and share it with the prospective condemnor and seek a review  
45 thereof by the prospective condemnor.

46 (5) If the prospective condemnee rejects the written offer of the  
47 condemnor or otherwise does not affirmatively respond to the offer,

1 the condemnor may then send in writing by certified mail, private  
2 courier, or in person, a letter setting forth an intent to commence  
3 condemnation proceedings in the Superior Court. Such letter, upon  
4 receipt, shall conclude bona fide negotiations between the  
5 prospective condemnor and condemnee.

6 (6) A disagreement over the amount of the offer, how the offer  
7 was calculated, or the method or manner in which the property was  
8 appraised shall not constitute grounds to continue negotiations or  
9 prevent the condemnor from successfully acquiring the property  
10 through the commencement of a condemnation proceeding and the  
11 appointment of condemnation commissioners.

12 g. Nothing in this section shall be construed as requiring a  
13 condemnor to increase the amount of an offer during the review and  
14 negotiation period.

15 h. A condemnor may file a complaint for condemnation in the  
16 manner provided by the Rules of Court anytime after expiration of  
17 the initial review and negotiation period, including any extension  
18 thereof, all as provided for in this section, without the consent of  
19 the prospective condemnee, provided the condemnor is otherwise  
20 empowered to exercise the power of eminent domain and the  
21 condemnor has complied with the provisions of this section.

22 i. Proof of the delivery of a written offer and a copy of the  
23 approved appraisal and the delivery of a letter of intent at the  
24 expiration of the negotiation period as set forth above, shall be  
25 deemed to be conclusive proof [of the] that bona fide negotiations  
26 were, in fact, conducted by the condemnor with the prospective  
27 condemnee and that there was an inability on the part of the  
28 condemnor and prospective condemnee to agree to the  
29 compensation to [acquire the property or possession thereof  
30 through negotiations] obtain title and possession to the property  
31 sought to be acquired other than by filing an action in  
32 condemnation.

33 j. When the holder of the title is unknown, [resides out of the  
34 State,] or for other good cause, the court, upon application by  
35 motion pursuant to the Rules of Court, may dispense with the  
36 necessity of such negotiations.

37 k. Neither the offer or the amount thereof, nor the refusal thereof  
38 by the prospective condemnee shall be evidential in the  
39 determination of compensation.

40 (cf: P.L.1971, c. 361, s. 6)

41  
42 3. Section 3 of P.L.1971, c.362 (C.20:4-3) is amended to read as  
43 follows:

44 3. As used in this act the term:

45 a. "Taking agency" or "acquiring agency" means the entity,  
46 public or private, including the State of New Jersey, which is



1   condemning or otherwise acquiring private property for a public  
2   purpose **【under the power of eminent domain】**.

3       b. "Person" means any individual, partnership, corporation, or  
4   association.

5       c. "Displaced person" means any person who, on or after the  
6   effective date of this act, moves from real property, or moves his  
7   personal property from real property, as a result of the acquisition  
8   of such real property, in whole or in part, or as the result of the  
9   written order of the acquiring agency to vacate real property, for a  
10   program or project undertaken by a taking agency; and solely for  
11   the purposes of **【sections 4】** subsections a. and b. of section 4 of  
12   P.L.1971, c.362 (C.20:4-7) and section 7 of **【this act】** P.L.1971,  
13   c.362 (C.20:4-4), as a result of the acquisition of or as the result of  
14   the written order of the acquiring agency to vacate other real  
15   property, on which such person conducts a business or farm  
16   operation, for such program or project.

17       d. "Business" means any lawful activity, excepting a farm  
18   operation, conducted primarily:

19       (1) for the purchase, sale, lease and rental of personal and real  
20   property, and for the manufacture, processing, or marketing of  
21   products, commodities, or any other personal property;

22       (2) for the sale of services to the public;

23       (3) by a nonprofit organization; or

24       (4) solely for the purposes of **【section 4】** subsection a. of 【this  
25   act】 section 4 of P.L.1971, c.362 (C.20:4-4) for assisting in the  
26   purchase, sale, resale, manufacture, processing, or marketing of  
27   products, commodities, personal property, or services by the  
28   erection and maintenance of an outdoor advertising display or  
29   displays, whether or not such display or displays are located on the  
30   premises on which any of the above activities are conducted.

31       e. "Farm operation" means any activity conducted solely or  
32   primarily for the production of one or more agricultural products or  
33   commodities, including timber, for sale or home use, and  
34   customarily producing such products or commodities in sufficient  
35   quantity to be capable of contributing materially to the operator's  
36   support.

37       f. **【The term "commissioner"】** “Commissioner” **【shall mean】**  
38   means the Commissioner of **【the Department of】** Community  
39   Affairs.

40       g. “Living on a fixed income” means receiving no steady  
41   income other than through pension, social security, public  
42   assistance, or other government benefits, which income does not  
43   exceed the applicable moderate regional income limits established  
44   by the Council on Affordable Housing.

45   (cf: P.L.1971, c.362, s.3)

1       4. Section 4 of P.L.1971, c.362 (C.20:4-4) is amended to read as  
2 follows.

3       4. a. If a taking agency acquires real property for public use, it  
4 shall make fair and reasonable relocation payments to displaced  
5 persons and businesses as required by **[this act]** P.L.1971, c.362  
6 (C.20:4-1 et seq.), for:

7       (1) actual reasonable expenses in moving himself, his family,  
8 business, farm operation, or other personal property;

9       (2) actual direct losses of tangible personal property as a result of  
10 moving or discontinuing a business or farm operation, but not to  
11 exceed an amount equal to the reasonable expenses that would have  
12 been required to relocate such property, as determined by the taking  
13 agency; and

14       (3) actual reasonable expenses in searching for a replacement  
15 business or farm.

16       b. Any displaced person eligible for payments under subsection  
17 a. of this section who is displaced from a dwelling and who elects to  
18 accept the payments authorized by this subsection in lieu of the  
19 payments authorized by subsection a. of this section may receive a  
20 moving expense allowance, determined according to a schedule  
21 established by the taking agency, not to exceed **[\$300.00]** \$450,  
22 provided that on the first day of the 12th month next following  
23 enactment of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill), the moving expense allowance shall be increased to an  
25 amount not to exceed \$900, and further increased on the first day of  
26 the 24th month next following enactment of P.L. , c. (C. )  
27 (pending before the Legislature as this bill), to an amount not to  
28 exceed \$1,350, and a dislocation allowance of **[\$200.00]** \$300,  
29 provided that on the first day of the 12th month next following  
30 enactment of P.L. , c. (C. ) (pending before the Legislature  
31 as this bill), the dislocation allowance shall be \$600, and on the first  
32 day of the 24th month next following enactment of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill), that  
34 allowance shall be \$900 provided, however, such amounts shall be  
35 adjusted annually in accordance with section 8 of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill).

37       c. Any displaced person eligible for payments under subsection  
38 a. of this section who is displaced from his place of business or  
39 from his farm operation and who elects to accept the payment  
40 authorized by this subsection in lieu of the payment authorized by  
41 subsection a. of this section, may receive a fixed payment in an  
42 amount equal to the average annual net earnings of the business or  
43 farm operation, except that such payment shall not be less than  
44 **[\$2,500.00]** \$3,750, provided that on the first day of the 12th  
45 month next following enactment of P.L. , c. (C. ) (pending  
46 before the Legislature as this bill), the payment shall not be less  
47 than \$7,500, and on the first day of the 24th month next following

1 enactment of P.L. , c. (C. ) (pending before the Legislature  
2 as this bill), the payment shall not be less than \$11,250 nor shall  
3 such payment be more than **[\$10,000.00]** \$15,000, provided on the  
4 first day of the 12th month next following enactment of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill), the  
6 payment shall not be more than \$22,500, and on the first day of the  
7 24th month next following enactment of P.L. , c. (C. )  
8 (pending before the Legislature as this bill), the payment shall not  
9 be more than \$45,000 provided, however, such amounts shall be  
10 adjusted annually in accordance with section 8 of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill). In the case  
12 of a business no payment shall be made under this subsection unless  
13 the taking agency is satisfied that the business (1) cannot be  
14 relocated without a substantial loss of its existing patronage, and (2)  
15 is not a part of a commercial enterprise having at least one other  
16 establishment not being acquired by the taking agency, which is  
17 engaged in the same or similar business. The business owner shall  
18 have the right to appeal this decision in court. For purposes of this  
19 subsection, the term "average annual net earnings," means 1/2 of  
20 any net earnings of the business or farm operation, before Federal,  
21 State, and local income taxes, during the 2 taxable years  
22 immediately preceding the taxable year in which such business or  
23 farm operation moves from the real property acquired or leased for  
24 such project, or during such other period as such agency determines  
25 to be more equitable for establishing such earnings, and includes  
26 any compensation paid by the business or farm operation to the  
27 owner, his spouse, or his dependents during such period.  
28 (cf: P.L.1971, c.362, s.4)

29  
30 5. Section 5 of P.L.1971, c.362 (C.20:4-5) is amended to read as  
31 follows:

32 5. a. In addition to payments otherwise authorized by **[this act]**  
33 P.L.1971, c.362 (C.20:4-1 et seq.), the taking agency shall make an  
34 additional payment not in excess of **[\$15,000.00]** \$22,500,  
35 provided that on the first day of the 12th month next following  
36 enactment of P.L. , c. (C. ) (pending before the Legislature  
37 as this bill), the additional payment shall not be in excess of  
38 \$45,000, and on the first day of the 24th month next following  
39 enactment of P.L. , c. (C. ) (pending before the Legislature  
40 as this bill), the additional payment shall not be in excess of  
41 \$67,500, to any displaced person who is displaced from a dwelling  
42 actually owned and occupied by such displaced person for not less  
43 than 180 days prior to the initiation of negotiations for the  
44 acquisition of the property; provided, however, such amounts shall  
45 be adjusted annually in accordance with section 8 of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill). Such  
47 additional payment shall include the following elements:

1 (1) The amount, if any, which when added to the acquisition cost  
2 of the dwelling acquired, equals the reasonable cost of a comparable  
3 replacement dwelling which is a decent, safe, and sanitary dwelling  
4 adequate to accommodate such displaced person, reasonably  
5 accessible to public services and places of employment and  
6 available on the private market. All determinations required to  
7 carry out this subparagraph shall be determined by regulations  
8 issued pursuant to section 10 of **[this act]** P.L.1971, c.362 (C.20:4-  
9 10).

10 (2) The amount, if any, which will compensate such displaced  
11 person for any increased interest costs which such person is  
12 required to pay for financing the acquisition of any such  
13 comparable replacement dwelling. Such amount shall be paid only  
14 if the dwelling acquired was encumbered by a bona fide mortgage  
15 which was a valid lien on such dwelling for not less than 180 days  
16 prior to the initiation of negotiations for the acquisition of such  
17 dwelling. Such amount shall be equal to the excess in the  
18 aggregate interest and other debt service costs of that amount of the  
19 principal of the mortgage on the replacement dwelling which is  
20 equal to the unpaid balance of the mortgage on the acquired  
21 dwelling, over the remainder term of the mortgage on the acquired  
22 dwelling, reduced to discounted present value. The discount rate  
23 shall be determined by regulations issued pursuant to section 10 of  
24 **[this act]** P.L.1971, c.362 (C.20:4-10).

25 (3) Reasonable expenses incurred by such displaced person for  
26 evidence of title, recording fees, and other closing costs incident to  
27 the purchase of the replacement dwelling, but not including prepaid  
28 expenses.

29 (4) Penalty costs for prepayment of any mortgage entered into in  
30 good faith encumbering such real property if such mortgage is on  
31 record or has been filed for record as provided by law on the date of  
32 approval by taking agency of the location of such project.

33 (5) The pro rata portion of real property taxes payable during the  
34 calendar year in which the property was acquired which are  
35 allocable to the period of the year subsequent to the date of vesting  
36 of title in the taking agency, or the effective date of the possession  
37 of such real property by the taking agency, whichever is earlier.

38 b. The additional payment authorized by this section shall be  
39 made only to such a displaced person who purchases and occupies a  
40 replacement dwelling which is decent, safe, and sanitary not later  
41 than the end of the one year period beginning on the date on which  
42 he receives final payment of all costs of the acquired dwelling, or  
43 on the date on which he moves from the acquired dwelling,  
44 whichever is the later date.

45 (cf: P.L.1971, c.362, s.5)

1       6. Section 6 of P.L.1971, c.362 (C.20:4-6) is amended to read as  
2 follows:

3       6. In addition to amounts otherwise authorized by **[this act]**  
4 P.L.1971, c.362 (C.20:4-1 et seq.), a taking agency shall make a  
5 payment to or for any displaced person displaced from any dwelling  
6 not eligible to receive a payment under section 5 of P.L.1971, c.362  
7 (C.20:4-5) which dwelling was actually and lawfully occupied by  
8 such displaced person for not less than 90 days prior to the  
9 initiation of negotiations for acquisition of such dwelling. Such  
10 payment shall be either:

11       a. the amount necessary **[to enable]**, that when added to the  
12 amount the displaced person pays to rent the dwelling he is being  
13 displaced from, would enable such displaced person to lease or rent  
14 for a period not to exceed **[4]** five years, a decent, safe, sanitary,  
15 and comparable replacement dwelling of standards adequate to  
16 accommodate such person in areas not generally less desirable in  
17 regard to public utilities and public and commercial facilities, and  
18 reasonably accessible to his place of employment **[, but not to**  
19 **exceed \$4,000.00]** but not to exceed \$9,000, provided that on the  
20 first day of the 12th month next following enactment of P.L. ,  
21 c. (C. ) (pending before the Legislature as this bill), the amount  
22 shall be increased not to exceed \$15,000, and further increased on  
23 the first day of the 24th month next following enactment of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill), not to  
25 exceed \$21,000, provided, however, such amounts shall be adjusted  
26 annually in accordance with section 8 of P.L. , c. (C. )  
27 (pending before the Legislature as this bill), and provided further  
28 that persons living on a fixed income who are displaced because of  
29 a redevelopment project undertaken pursuant to the “Local  
30 Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1  
31 et seq.) shall also be entitled to receive rental assistance pursuant to  
32 P.L.2004, c.140 (C.52:27D-287.1 et seq.); or

33       b. the amount necessary to enable such person to make a  
34 downpayment (including incidental expenses described in  
35 paragraph (3) of subsection a. of section 5 [a. (3)] of P.L.1971,  
36 c.362 (C.20:4-5)) on the purchase of a decent, safe, and sanitary  
37 dwelling of standards adequate to accommodate such persons in  
38 areas not generally less desirable in regard to public utilities and  
39 public and commercial facilities, [but not to exceed \$4,000.00] up  
40 to \$6,000. On the first day of the 12th month next following  
41 enactment of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill), the maximum permitted amount shall be \$12,000. On  
43 the first day of the 24th month next following enactment of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill), the  
45 maximum permitted amount shall be \$18,000. Of those phased-in  
46 maximum amounts, the first [\$2,000.00 of which is to] \$3,000,  
47 \$6,000, and \$9,000 respectively, shall be paid without contribution

1 from the displaced person, but thereafter such payments will only  
2 be made on a matching dollar-for-dollar basis with the displaced  
3 person; provided, however, all such amounts in this section shall be  
4 adjusted annually in accordance with section 8 of P.L. \_\_\_\_\_,  
5 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).  
6 (cf: P.L.1971, c.362, s.6)

7  
8 7. Section 7 of P.L.1971, c.362 (C.20:4-7) is amended to read as  
9 follows:

10 7. a. Whenever the acquisition of real property for a program or  
11 project undertaken by a taking agency will result in the  
12 displacement of any person on or after the effective date of this  
13 section, such agency shall provide a relocation assistance advisory  
14 program for displaced persons which shall offer the services  
15 prescribed herein. If the taking agency determines that any person  
16 occupying property immediately adjacent to the real property  
17 acquired is caused substantial economic injury because of the  
18 acquisition, it may offer such person relocation advisory services  
19 under such program.

20 b. Each relocation assistance program required by subsection a.  
21 shall include such measures, facilities, or services as may be  
22 necessary or appropriate in order (1) to determine the needs of  
23 displaced persons, business concerns, and nonprofit organizations  
24 for relocation assistance; (2) to assist owners of displaced business  
25 and farm operations in obtaining and becoming established in  
26 suitable business locations or replacement farms; (3) to supply  
27 information concerning programs of the Federal, State and local  
28 governments offering assistance to displaced persons and business  
29 concerns; (4) to assist in minimizing hardships to displaced persons  
30 in adjusting to relocation; and (5) to secure, to the greatest extent  
31 practicable, the coordination of relocation activities with other  
32 project activities and other planned or proposed governmental  
33 actions in the community or nearby areas which may affect the  
34 carrying out of the relocation program.

35 c. Each relocation assistance program required by subsection a.  
36 of this section shall specifically include provisions for notice of  
37 credit counseling services by credit counselors approved by the  
38 United States Department of Housing and Urban Development, for  
39 persons being displaced from residential units. The program shall  
40 ensure that those persons being displaced from residential units  
41 receive adequate written notice of the availability of the credit  
42 counseling services in accordance with regulations promulgated by  
43 the Commissioner of Community Affairs.

44 (cf: P.L.1971, c.362, s.7)

45  
46 8. (New section) Beginning on the first day of the 36th month  
47 next following enactment of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the  
48 Legislature as this bill) all payment amounts set forth in sections 4

1 through 6 of P.L.1971, c.362 (C.20:4-4 through 20:4-6), shall be  
2 annually automatically adjusted on the basis of the Consumer Price  
3 Index for All Urban Consumers (CPI-U), U.S. City Average,  
4 published by the United States Department of Labor, Bureau of  
5 Labor Statistics, using the last published index figure as of the date  
6 of displacement as the numerator and the index figure for the month  
7 in which P.L. , c. (C. ) (pending before the Legislature as  
8 this bill) becomes effective as the denominator.

9  
10 9. Section 22 of P.L.1971, c.362 (C.20:4-22) is amended to read  
11 as follows:

12 22. The provisions of this act shall not apply to the State  
13 Department of Transportation or the New Jersey Transit  
14 Corporation; provided, however, that the State Department of  
15 Transportation and the New Jersey Transit Corporation shall  
16 supplement its existing relocation assistance program designed to  
17 minimize the hardships of persons and business concerns displaced  
18 as a result of the acquisition by said State Department of  
19 Transportation and the New Jersey Transit Corporation of any real  
20 property for a public use, by July 1, 1972. Said supplemented  
21 program shall be in compliance with the rules and regulations of the  
22 Federal Highway Administration and the Federal Transit  
23 Administration relating to relocation assistance so as to fully  
24 qualify the Department of Transportation and the New Jersey  
25 Transit Corporation for Federal aid reimbursement and to equal or  
26 exceed the requirements of this statute. For purposes of  
27 coordinating and formulating uniform relocation programs of the  
28 State, the Commissioner of Transportation shall consult with the  
29 Commissioner of the Department of Community Affairs in order  
30 that said relocation assistance program will be in general  
31 conformity with any rules and regulations promulgated by the  
32 Commissioner of the Department of Community Affairs pursuant to  
33 P.L. 91-646, the Uniform Relocation Assistance and Real Property  
34 Acquisition Policies Act of 1970, and amendments thereto.

35 The Commissioner of Transportation shall have the right and  
36 authority to promulgate regulations appropriate for the relocation  
37 programs of both the State Department of Transportation and the  
38 New Jersey Transit Corporation. The Department of Transportation  
39 shall act as the lead entity with regard to relocation appeals.

40 (cf: P.L.1971, c.362, s.22)

41  
42 10. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
43 read as follows:

44 19. Preparation; contents; modification. a. The planning board  
45 may prepare and, after public hearing, adopt or amend a master plan  
46 or component parts thereof, to guide the use of lands within the  
47 municipality in a manner which protects public health and safety  
48 and promotes the general welfare.

1       b. The master plan shall generally comprise a report or  
2 statement and land use and development proposals, with maps,  
3 diagrams and text, presenting, at least the following elements (1)  
4 and (2) and, where appropriate, the following elements (3) through  
5 **[(16)] (17)**:

6       (1) A statement of objectives, principles, assumptions, policies  
7 and standards upon which the constituent proposals for the physical,  
8 economic and social development of the municipality are based;

9       (2) A land use plan element (a) taking into account and stating its  
10 relationship to the statement provided for in paragraph (1) hereof,  
11 and other master plan elements provided for in paragraphs (3)  
12 through **[(14)] (17)** hereof and natural conditions, including, but  
13 not necessarily limited to, topography, soil conditions, water  
14 supply, drainage, flood plain areas, marshes, and woodlands; (b)  
15 showing the existing and proposed location, extent and intensity of  
16 development of land to be used in the future for varying types of  
17 residential, commercial, industrial, agricultural, recreational,  
18 educational and other public and private purposes or combination of  
19 purposes; and stating the relationship thereof to the existing and any  
20 proposed zone plan and zoning ordinance; and (c) showing the  
21 existing and proposed location of any airports and the boundaries of  
22 any airport safety zones delineated pursuant to the "Air Safety and  
23 Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et al.); and (d)  
24 including a statement of the standards of population density and  
25 development intensity recommended for the municipality;

26       (3) A housing plan element pursuant to section 10 of P.L.1985,  
27 c.222 (C.52:27D-310), including, but not limited to, residential  
28 standards and proposals for the construction and improvement of  
29 housing;

30       (4) A circulation plan element showing the location and types of  
31 facilities for all modes of transportation required for the efficient  
32 movement of people and goods into, about, and through the  
33 municipality, taking into account the functional highway  
34 classification system of the Federal Highway Administration and  
35 the types, locations, conditions and availability of existing and  
36 proposed transportation facilities, including air, water, road and rail;

37       (5) A utility service plan element analyzing the need for and  
38 showing the future general location of water supply and distribution  
39 facilities, drainage and flood control facilities, sewerage and waste  
40 treatment, solid waste disposal and provision for other related  
41 utilities, and including any storm water management plan required  
42 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If  
43 a municipality prepares a utility service plan element as a condition  
44 for adopting a development transfer ordinance pursuant to  
45 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan  
46 element shall address the provision of utilities in the receiving zone  
47 as provided thereunder;



- 1 (6) A community facilities plan element showing the existing  
2 and proposed location and type of educational or cultural facilities,  
3 historic sites, libraries, hospitals, firehouses, police stations and  
4 other related facilities, including their relation to the surrounding  
5 areas;
- 6 (7) A recreation plan element showing a comprehensive system  
7 of areas and public sites for recreation;
- 8 (8) A conservation plan element providing for the preservation,  
9 conservation, and utilization of natural resources, including, to the  
10 extent appropriate, energy, open space, water supply, forests, soil,  
11 marshes, wetlands, harbors, rivers and other waters, fisheries,  
12 endangered or threatened species wildlife and other resources, and  
13 which systemically analyzes the impact of each other component  
14 and element of the master plan on the present and future  
15 preservation, conservation and utilization of those resources;
- 16 (9) An economic plan element considering all aspects of  
17 economic development and sustained economic vitality, including  
18 (a) a comparison of the types of employment expected to be  
19 provided by the economic development to be promoted with the  
20 characteristics of the labor pool resident in the municipality and  
21 nearby areas and (b) an analysis of the stability and diversity of the  
22 economic development to be promoted;
- 23 (10) An historic preservation plan element: (a) indicating the  
24 location and significance of historic sites and historic districts; (b)  
25 identifying the standards used to assess worthiness for historic site  
26 or district identification; and (c) analyzing the impact of each  
27 component and element of the master plan on the preservation of  
28 historic sites and districts;
- 29 (11) Appendices or separate reports containing the technical  
30 foundation for the master plan and its constituent elements;
- 31 (12) A recycling plan element which incorporates the State  
32 Recycling Plan goals, including provisions for the collection,  
33 disposition and recycling of recyclable materials designated in the  
34 municipal recycling ordinance, and for the collection, disposition  
35 and recycling of recyclable materials within any development  
36 proposal for the construction of 50 or more units of single-family  
37 residential housing or 25 or more units of multi-family residential  
38 housing and any commercial or industrial development proposal for  
39 the utilization of 1,000 square feet or more of land;
- 40 (13) A farmland preservation plan element, which shall include:  
41 an inventory of farm properties and a map illustrating significant  
42 areas of agricultural land; a statement showing that municipal  
43 ordinances support and promote agriculture as a business; and a  
44 plan for preserving as much farmland as possible in the short term  
45 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-  
46 1 et al.) through a variety of mechanisms including, but not limited

1 to, utilizing option agreements, installment purchases, and  
2 encouraging donations of permanent development easements;

3 (14) A development transfer plan element which sets forth the  
4 public purposes, the locations of sending and receiving zones and  
5 the technical details of a development transfer program based on the  
6 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

7 (15) An educational facilities plan element which incorporates  
8 the purposes and goals of the "long-range facilities plan" required to  
9 be submitted to the Commissioner of Education by a school district  
10 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); **[and]**

11 (16) A green buildings and environmental sustainability plan  
12 element, which shall provide for, encourage, and promote the  
13 efficient use of natural resources and the installation and usage of  
14 renewable energy systems; consider the impact of buildings on the  
15 local, regional and global environment; allow ecosystems to  
16 function naturally; conserve and reuse water; treat storm water on-  
17 site; and optimize climatic conditions through site orientation and  
18 design; and

19 (17) A redevelopment plan element identifying all areas that  
20 have been designated redevelopment areas, or areas in need of  
21 rehabilitation in the municipality, as well as additional areas that  
22 may be so designated in the future, the goals and objectives of  
23 projected redevelopment activities in those areas during the time  
24 period covered by the master plan, the manner in which those  
25 activities further the social, economic, and physical improvement of  
26 the municipality, and the manner in which redevelopment activities  
27 are linked to other activities being carried out by the municipality  
28 pursuant to the municipal master plan, including improvements to  
29 infrastructure, transportation improvements, and the construction of  
30 public and community facilities.

31 c. The master plan and its plan elements may be divided into  
32 subplans and subplan elements projected according to periods of  
33 time or staging sequences.

34 d. The master plan shall include a specific policy statement  
35 indicating the relationship of the proposed development of the  
36 municipality, as developed in the master plan to (1) the master plans  
37 of contiguous municipalities, (2) the master plan of the county in  
38 which the municipality is located, (3) the State Development and  
39 Redevelopment Plan adopted pursuant to the "State Planning Act,"  
40 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)  
41 and (4) the district solid waste management plan required pursuant  
42 to the provisions of the "Solid Waste Management Act," P.L.1970,  
43 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is  
44 located.

45 In the case of a municipality situated within the Highlands  
46 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the  
47 master plan shall include a specific policy statement indicating the

1 relationship of the proposed development of the municipality, as  
2 developed in the master plan, to the Highlands regional master plan  
3 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).  
4 (cf: P.L. 2008, c.54, s.1)

5  
6 11. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
7 read as follows:

8 3. As used in this act:

9 "Bonds" means any bonds, notes, interim certificates, debentures  
10 or other obligations issued by a municipality, county,  
11 redevelopment entity, or housing authority pursuant to P.L.1992,  
12 c.79 (C.40A:12A-1 et al.).

13 "Comparable, affordable replacement housing" means newly-  
14 constructed or substantially rehabilitated housing to be offered to a  
15 household being displaced as a result of a redevelopment project,  
16 that is affordable to that household based on its income under the  
17 guidelines established by the Council on Affordable Housing in the  
18 Department of Community Affairs for maximum affordable sales  
19 prices or maximum fair market rents, and that is comparable to the  
20 household's dwelling in the redevelopment area with respect to the  
21 size and amenities of the dwelling unit, the quality of the  
22 neighborhood, and the level of public services and facilities offered  
23 by the municipality in which the redevelopment area is located.

24 "Condemnation redevelopment area" means a redevelopment  
25 area in which a redevelopment entity can exercise all of the powers  
26 set forth in section 8 of P.L.1992, c.79 (C.40A:12A-8) including the  
27 power of eminent domain.

28 "Contamination" means any discharged hazardous substance as  
29 defined pursuant to section 3 of P.L.1976, c.141 (C.58:10-23.11b),  
30 hazardous waste as defined pursuant to section 1 of P.L.1976, c.99  
31 (C.13:1E-38), or pollutant as defined pursuant to section 3 of  
32 P.L.1977, c.74 (C.58:10A-3).

33 "Development" means the division of a parcel of land into two or  
34 more parcels, the construction, reconstruction, conversion,  
35 structural alteration, relocation, or enlargement of any building or  
36 other structure, or of any mining, excavation or landfill, and any use  
37 or change in the use of any building or other structure, or land or  
38 extension of use of land, for which permission may be required  
39 pursuant to the "Municipal Land Use Law," P.L.1975, c.291  
40 (C.40:55D-1 et seq.).

41 "Governing body" means the body exercising general legislative  
42 powers in a county or municipality according to the terms and  
43 procedural requirements set forth in the form of government  
44 adopted by the county or municipality.

45 "Housing authority" means a housing authority created or  
46 continued pursuant to this act.

1 "Housing project" means a project, or distinct portion of a  
2 project, which is designed and intended to provide decent, safe and  
3 sanitary dwellings, apartments or other living accommodations for  
4 persons of low and moderate income; such work or undertaking  
5 may include buildings, land, equipment, facilities and other real or  
6 personal property for necessary, convenient or desirable  
7 appurtenances, streets, sewers, water service, parks, site  
8 preparation, gardening, administrative, community, health,  
9 recreational, educational, welfare or other purposes. The term  
10 "housing project" also may be applied to the planning of the  
11 buildings and improvements, the acquisition of property, the  
12 demolition of existing structures, the construction, reconstruction,  
13 alteration and repair of the improvements and all other work in  
14 connection therewith.

15 "Non-condemnation redevelopment area" means a  
16 redevelopment area in which a redevelopment entity can exercise  
17 all of the powers set forth in section 8 of P.L.1992, c.79  
18 (C.40A:12A-8) except for the power of condemnation as set forth in  
19 subsection c. of that section.

20 "Persons of low and moderate income" means persons or  
21 families who are, in the case of State assisted projects or programs,  
22 so defined by the Council on Affordable Housing in the Department  
23 of Community Affairs, or in the case of federally assisted projects  
24 or programs, defined as of "low and very low income" by the  
25 United States Department of Housing and Urban Development.

26 "Public body" means the State or any county, municipality,  
27 school district, authority or other political subdivision of the State.

28 "Public housing" means any housing for persons of low and  
29 moderate income owned by a municipality, county, the State or the  
30 federal government, or any agency or instrumentality thereof.

31 "Publicly assisted housing" means privately owned housing  
32 which receives public assistance or subsidy, which may be grants or  
33 loans for construction, reconstruction, conservation, or  
34 rehabilitation of the housing, or receives operational or maintenance  
35 subsidies either directly or through rental subsidies to tenants, from  
36 a federal, State or local government agency or instrumentality.

37 "Real property" means all lands, including improvements and  
38 fixtures thereon, and property of any nature appurtenant thereto or  
39 used in connection therewith, and every estate, interest and right,  
40 legal or equitable, therein, including terms for years and liens by  
41 way of judgment, mortgage or otherwise, and indebtedness secured  
42 by such liens.

43 "Redeveloper" means any person, firm, corporation or public  
44 body that shall enter into or propose to enter into a contract with a  
45 municipality or other redevelopment entity for the redevelopment or  
46 rehabilitation of an area in need of redevelopment, or an area in  
47 need of rehabilitation, or any part thereof, under the provisions of

1 **[this act]** P.L.1992, c.79 (C.40A:12A-1 et al.), or for any  
2 construction or other work forming part of a redevelopment or  
3 rehabilitation project.

4 "Redevelopment" means clearance, replanning, development and  
5 redevelopment; the conservation and rehabilitation of any structure  
6 or improvement, the construction and provision for construction of  
7 residential, commercial, industrial, public or other structures and  
8 the grant or dedication of spaces as may be appropriate or necessary  
9 in the interest of the general welfare for streets, parks, playgrounds,  
10 or other public purposes, including recreational and other facilities  
11 incidental or appurtenant thereto, in accordance with a  
12 redevelopment plan.

13 "Redevelopment agency" means a redevelopment agency created  
14 pursuant to subsection a. of section 11 of P.L.1992, c.79  
15 (C.40A:12A-11) or established heretofore pursuant to the  
16 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
17 al.), repealed by this act, which has been permitted in accordance  
18 with the provisions of **[this act]** P.L.1992, c.79 (C.40A:12A-1 et  
19 al.) to continue to exercise its redevelopment functions and powers.

20 "Redevelopment area" or "area in need of redevelopment" means  
21 an area determined to be in need of redevelopment pursuant to  
22 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)  
23 prior to the effective date of P.L. , c. (C. ) (pending before the  
24 Legislature as this bill) and also applies to condemnation  
25 redevelopment areas and non-condemnation redevelopment areas,  
26 as defined in this section, or determined heretofore to be a "blighted  
27 area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by  
28 **[this act]** section 59 of P.L.1992, c.79, both determinations as made  
29 pursuant to the authority of Article VIII, Section III, paragraph 1 of  
30 the Constitution. **[A redevelopment area may include lands,**  
31 **buildings, or improvements which of themselves are not detrimental**  
32 **to the public health, safety or welfare, but the inclusion of which is**  
33 **found necessary, with or without change in their condition, for the**  
34 **effective redevelopment of the area of which they are a part.]**  
35 Notwithstanding any other provision of law to the contrary, any  
36 reference contained in another law to a "redevelopment area" or an  
37 "area in need of redevelopment" as defined in this section or any  
38 use of the term "redevelopment area" or "area in need of  
39 redevelopment" for the purpose of empowering an entity to exercise  
40 the power of eminent domain within an area that has been  
41 determined to be in need of redevelopment after the effective date  
42 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
43 the power of eminent domain may only be used in that area if it is a  
44 condemnation redevelopment area.

45 "Redevelopment entity" means a municipality or an entity  
46 authorized by the governing body of a municipality pursuant to  
47 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to

1 implement redevelopment plans and carry out redevelopment  
2 projects in an area in need of redevelopment, or in an area in need  
3 of rehabilitation, or in both.

4 "Redevelopment plan" means a plan adopted by the governing  
5 body of a municipality for the redevelopment or rehabilitation of all  
6 or any part of a redevelopment area, or an area in need of  
7 rehabilitation, which plan shall be sufficiently complete to indicate  
8 its relationship to definite municipal objectives as to appropriate  
9 land uses, public transportation and utilities, recreational and  
10 municipal facilities, and other public improvements; and to indicate  
11 proposed land uses and building requirements in the redevelopment  
12 area or area in need of rehabilitation, or both.

13 "Redevelopment project" means any work or undertaking  
14 pursuant to a redevelopment plan; such undertaking may include  
15 any buildings, land, including demolition, clearance or removal of  
16 buildings from land, equipment, facilities, or other real or personal  
17 properties which are necessary, convenient, or desirable  
18 appurtenances, such as but not limited to streets, sewers, utilities,  
19 parks, site preparation, landscaping, and administrative, community,  
20 health, recreational, educational, and welfare facilities.

21 "Rehabilitation" means an undertaking, by means of the  
22 enlargement, extensive repair, reconstruction or renovation of  
23 existing structures, or the demolition of existing structures with [or  
24 without] the introduction of new construction [or the enlargement  
25 of existing structures,] in any area that has been determined to be in  
26 need of rehabilitation or redevelopment, to eliminate substandard  
27 structural or housing conditions and arrest the deterioration of that  
28 area.

29 "Rehabilitation area" or "area in need of rehabilitation" means  
30 any area determined to be in need of rehabilitation pursuant to  
31 section 14 of P.L.1992, c.79 (C.40A:12A-14).

32 (cf: P.L.2008, c.46, s.1)

33  
34 12. Section 4 of P.L.1992, c.79 (C.40A:12A-4) is amended to  
35 read as follows:

36 4. In exercising the redevelopment and rehabilitation functions  
37 provided for in this act:

38 a. A municipal governing body shall have the power to:

39 (1) Cause a preliminary investigation to be made pursuant to  
40 subsection a. of section 6 of P.L.1992, c.79 (C.40A:12A-6) or  
41 subsection a. of section 15 of P.L. , c. (C. ) (pending before  
42 the Legislature as this bill) as to whether an area is in need of  
43 redevelopment;

44 (2) Determine pursuant to subsection b. of section 6 of P.L.1992,  
45 c.79 (C.40A:12A-6) or subsection b. of section 15 of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill) that  
47 an area is in need of redevelopment;

1 (3) Adopt a redevelopment plan pursuant to section 7 of  
2 P.L.1992, c.79 (C.40A:12A-7) and, if applicable, the provisions of  
3 section 18 of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill);

5 (4) Determine pursuant to section 14 of P.L.1992, c.79  
6 (C.40A:12A-14) that an area is in need of rehabilitation.

7 b. A municipal planning board shall have the power to:

8 (1) Conduct, when authorized by the municipal governing body,  
9 a preliminary investigation and hearing and make a  
10 recommendation pursuant to subsection b. of section 6 of P.L.1992,  
11 c.79 (C.40A:12A-6) or subsection b. of section 15 of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill) as to  
13 whether an area is in need of redevelopment;

14 (2) Make recommendations concerning a redevelopment plan  
15 pursuant to subsection e. of section 7 of P.L.1992, c.79  
16 (C.40A:12A-7), or prepare a redevelopment plan pursuant to  
17 subsection f. of that section[.];

18 (3) Make recommendations concerning the determination of an  
19 area in need of rehabilitation pursuant to section 14 of P.L.1992,  
20 c.79 (C.40A:12A-14).

21 c. The municipality shall be responsible for implementing  
22 redevelopment plans and carrying out redevelopment projects  
23 pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8). The  
24 municipality may execute these responsibilities directly, or in  
25 addition thereto or in lieu thereof, **[through]** may designate by  
26 ordinance either a municipal redevelopment agency, or a municipal  
27 housing authority authorized to exercise redevelopment powers  
28 pursuant to section 21 of P.L.1992, c.79 (C.40A:12A-21), but there  
29 shall be only one redevelopment entity responsible for each  
30 redevelopment project. A county improvement authority authorized  
31 to undertake redevelopment projects pursuant to the “county  
32 improvement authorities law,” P.L.1960, c.183 (C.40:37A-44 et  
33 seq.) or the New Jersey Redevelopment Authority, established  
34 pursuant to section 4 of P.L.1996, c.62 (C.55:19-23) may also act as  
35 a redevelopment entity for a redevelopment project if designated by  
36 ordinance of the municipality pursuant to this act. Within a  
37 municipality that has been designated the capital of the State, the  
38 Capital City Redevelopment Corporation, established pursuant to  
39 P.L.1987, c.58 (C.52:9Q-9 et seq.) may also act as a redevelopment  
40 entity pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.). The  
41 redevelopment entity, so authorized, may contract with any other  
42 public body, in accordance with the provisions of section 8 of  
43 P.L.1992, c.79 (C.40A:12A-8), for the carrying out of a  
44 redevelopment project or any part thereof under its jurisdiction.  
45 Notwithstanding the above, the governing body of the municipality  
46 may, by ordinance, change or rescind the designation of the  
47 redevelopment entity responsible for implementing a redevelopment

1 plan and carrying out a redevelopment project and may have the  
 2 municipality assume this responsibility **【itself, but】**; provided,  
 3 however, that only the redevelopment entity authorized to undertake  
 4 a particular redevelopment project shall remain authorized to  
 5 complete it, unless the redevelopment entity and redeveloper agree  
 6 otherwise, or unless no obligations have been entered into by the  
 7 redevelopment entity with parties other than the municipality. This  
 8 shall not diminish the power of the municipality to dissolve a  
 9 redevelopment entity pursuant to section 24 of P.L.1992, c.79  
 10 (C.40A:12A-24), and section 20 of the "Local Authorities Fiscal  
 11 Control Law," P.L.1983, c.313 (C.40A:5A-20).

12 d. (1) No municipality shall exercise the power of eminent  
 13 domain in a condemnation redevelopment area for the acquisition of  
 14 land subject to the protections provided under section 12 of the  
 15 "Agriculture Retention and Development Act," P.L.1983, c.32  
 16 (C.4:1C-19);

17 (2) Acquisition of property for redevelopment purposes shall not  
 18 impair or supersede protections applicable to that property under  
 19 any federal or State law, covenant, easement, or conservation  
 20 restriction for the preservation of any natural resource, water  
 21 supply, flood plain, or endangered species, and public access to and  
 22 use thereof, including, without limitation, the "Freshwater Wetlands  
 23 Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), "The  
 24 Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), the  
 25 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.),  
 26 and the "Highlands Water Protection and Planning Act," P.L.2004,  
 27 120 (C.13:20-1 et seq.).

28 e. A municipal governing body, a municipal planning board, or a  
 29 redevelopment entity may exercise any power and carry out any  
 30 responsibility under P.L.1992, c.79 (40A:12A-1 et al.),  
 31 notwithstanding that the municipality's master plan does not contain  
 32 a redevelopment plan element as set forth in paragraph (16) of  
 33 subsection b. of section 19 of P.L.1975, c.291 (C.40:55D-28).  
 34 (cf: P.L.2009, c.252, s.14)  
 35

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

38 5. A delineated area may be determined to be in need of  
 39 redevelopment if, after investigation, notice and hearing as provided  
 40 in section 6 of P.L.1992, c.79 (C.40A:12A-6) or section 15 of  
 41 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
 42 governing body of the municipality **【by resolution】** concludes that:  
 43 (1) the deterioration or stagnation of the delineated area negatively  
 44 affects surrounding properties because of any of the conditions  
 45 described below, (2) the condition or conditions of blight described  
 46 below are the prevailing characteristics of the delineated area, and



1 (3) within the delineated area, objective evidence of any of the  
2 following conditions is found:

3 a. The generality of buildings are substandard, unsafe,  
4 unsanitary, dilapidated, or obsolescent, or possess any of such  
5 characteristics, or are so lacking in light, air, or space, as to be  
6 **【conducive to unwholesome living or working conditions】**  
7 detrimental to the safety, health, or welfare of the community.

8 b. The discontinuance of the use of buildings previously used  
9 for commercial, manufacturing, or industrial purposes; the  
10 abandonment of such buildings; or the same being allowed to fall  
11 into so great a state of disrepair as to be untenable or detrimental  
12 to the safety, health, or welfare of the community.

13 c. **【Land that is owned by the municipality, the county, a local**  
14 **housing authority, redevelopment agency or redevelopment entity,**  
15 **or unimproved】** Unimproved vacant land that has remained so for a  
16 period of ten years prior to adoption of the resolution or ordinance,  
17 as appropriate, and **【by reason of its location, remoteness, lack of**  
18 **means of access to developed sections or portions of the**  
19 **municipality, or topography, or nature of the soil, is not likely to be**  
20 **developed through the instrumentality of private capital】** causes  
21 conditions that are detrimental to the safety, health, or welfare of  
22 the community.

23 d. Areas with buildings or improvements which, by reason of  
24 dilapidation, obsolescence, overcrowding, **【faulty arrangement or**  
25 **design,】** lack of ventilation, light and sanitary facilities, excessive  
26 land coverage, deleterious land use **【or obsolete layout】**, or any  
27 combination of these or other similar factors, are detrimental to the  
28 safety, health, **【morals,】** or welfare of the community.

29 e. A growing lack or total lack of proper utilization of areas  
30 caused by the condition of the title, diverse ownership of the real  
31 property therein or other similar conditions, resulting in a stagnant  
32 **【or】** and **【not fully productive】** unproductive condition of land  
33 **【potentially useful and valuable for contributing to and serving the**  
34 **public health, safety and welfare】.**

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

40 g. In any municipality in which an enterprise zone has been  
41 designated pursuant to the "New Jersey Urban Enterprise Zones  
42 Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the  
43 actions prescribed in that act for the adoption by the municipality  
44 and approval by the New Jersey Urban Enterprise Zone Authority  
45 of the zone development plan for the area of the enterprise zone  
46 shall be considered sufficient for the determination that the area is

1 in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,  
2 c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax  
3 exemptions within the enterprise zone district pursuant to the  
4 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption  
5 of a tax abatement and exemption ordinance pursuant to the  
6 provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The  
7 municipality shall not utilize any other redevelopment powers  
8 within the urban enterprise zone unless the municipal governing  
9 body and planning board have also taken the actions and fulfilled  
10 the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)  
11 for determining that the area is in need of redevelopment or an area  
12 in need of rehabilitation and the municipal governing body has  
13 adopted a redevelopment plan ordinance including the area of the  
14 enterprise zone.

15 h. **【The designation of the delineated area is consistent with**  
16 **smart growth planning principles adopted pursuant to law or**  
17 **regulation.】** (Deleted by amendment, P.L. , c. .) (pending before  
18 the Legislature as this bill)

19 i. Property, either improved or unimproved, that has known  
20 contamination and has remained vacant or substantially  
21 underutilized for at least 24 consecutive months.

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

23  
24 14. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to  
25 read as follows:

26 6. a. (1) No area of a municipality shall be determined a non-  
27 condemnation redevelopment area unless the governing body of the  
28 municipality shall, by resolution, authorize the planning board to  
29 undertake a preliminary investigation to determine whether the  
30 proposed area is a non-condemnation redevelopment area according  
31 to the criteria set forth in section 5 of P.L.1992, c.79 (C.40A:12A-  
32 5). Such determination shall be made after public notice and public  
33 hearing as provided in subsection b. of this section.

34 (2) The governing body of a municipality shall assign the  
35 conduct of the investigation and hearing to the planning board of  
36 the municipality.

37 (3) A redeveloper or prospective redeveloper shall not conduct or  
38 fund any part of the preliminary investigation, however, an  
39 agreement designating a redeveloper pursuant to section 8 of  
40 P.L.1992, c.79 (C.40A:12A-8) may require the redeveloper to  
41 provide for reimbursement of the costs associated with the  
42 preliminary investigation.

43 b. (1) Before proceeding to a public hearing on the matter, the  
44 planning board shall prepare a map showing the boundaries of the  
45 proposed non-condemnation redevelopment area and the location of  
46 the various parcels of property included therein. There shall be

1 appended to the map a statement setting forth the basis for the  
2 investigation.

3 (2) The planning board shall specify a date for and give notice of  
4 a hearing for the purpose of hearing persons who are interested in or  
5 would be affected by a determination that the delineated area is a  
6 non-condemnation redevelopment area.

7 (3) (a) The hearing notice shall set forth the general boundaries  
8 of the area to be investigated and state that a map has been prepared  
9 and can be inspected at the office of the municipal clerk. The  
10 notice shall identify the office in which the public may inspect  
11 documents relevant to the determination that an area is a non-  
12 condemnation redevelopment area. The notice shall be written in  
13 simple, clear, understandable, and easily readable language. The  
14 notice shall include the following statement in bold typeface:

15  
16 **THE GOVERNING BODY OF IS**  
17 **CONSIDERING DESIGNATING PART OF THE**  
18 **MUNICIPALITY AS A "NON-CONDEMNATION**  
19 **REDEVELOPMENT AREA." THIS DESIGNATION DOES**  
20 **NOT ALLOW FOR THE TAKING OF PROPERTY BY**  
21 **CONDEMNATION FOR REDEVELOPMENT PURPOSES.**  
22 **PROPERTY CAN ONLY BE TAKEN BY**  
23 **CONDEMNATION FOR REDEVELOPMENT PURPOSES**  
24 **IF IT IS LOCATED IN AN AREA DESIGNATED AS A**  
25 **"CONDEMNATION REDEVELOPMENT AREA" AND**  
26 **THE MUNICIPALITY PROVIDES PROPER NOTICE OF**  
27 **THAT DESIGNATION.**  
28

29 (b) (i) A copy of the notice shall be published in a newspaper of  
30 general circulation in the municipality once each week for two  
31 consecutive weeks, and the last publication shall be not less than ten  
32 days prior to the date set for the hearing.

33 (ii) If the municipality has an Internet web site, the notice shall  
34 be posted thereon.

35 (iii) A copy of the notice shall be posted within or proximate to  
36 each property within the proposed non-condemnation  
37 redevelopment area.

38 (iv) A copy of the notice shall be mailed at least ten days prior to  
39 the date set for the hearing to the last owner, if any, of each parcel  
40 of property within the area according to the assessment records of  
41 the municipality. A notice shall also be sent to all persons at their  
42 last known address, if any, whose names are noted on the  
43 assessment records as claimants of an interest in any such parcel.  
44 The assessor of the municipality shall make a notation upon the  
45 records when requested to do so by any person claiming to have an  
46 interest in any parcel of property in the municipality. The notice  
47 shall be published and mailed by the municipal clerk, or by such

1 clerk or official as the planning board shall otherwise designate.  
2 Failure to mail any such notice shall **【not invalidate the**  
3 **investigation or determination thereon】** be governed by the  
4 provisions of section 27 of P.L. , c. (C. ) (pending before  
5 the Legislature as this bill).

6 (c) Prior to the hearing, a copy of all documents relevant to the  
7 determination that an area is a non-condemnation redevelopment  
8 area shall be available for public inspection during regular business  
9 hours at a location set forth in the notice, and if the municipality has  
10 an Internet web site, they shall be posted 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 non-condemnation redevelopment area. All objections to such a  
15 determination and evidence in support of those objections, given  
16 orally or in writing, shall be received and considered and made part  
17 of the public record.

18 (5) (a) After completing its hearing on this matter, the planning  
19 board shall recommend that the delineated area, or any part thereof,  
20 be determined, or not be determined, by the municipal governing  
21 body to be a non-condemnation redevelopment area.

22 (b) After receiving the recommendation of the planning board,  
23 the municipal governing body may adopt a resolution determining  
24 that the delineated area, or any part thereof, is a non-condemnation  
25 redevelopment area.

26 (c) Upon the adoption of a resolution, the clerk of the  
27 municipality shall, forthwith, transmit a copy of the resolution to  
28 the Commissioner of Community Affairs for review. If the non-  
29 condemnation redevelopment area **【in need of redevelopment】** is  
30 not situated in an area in which development or redevelopment is to  
31 be encouraged pursuant to any State law or regulation promulgated  
32 pursuant thereto, the determination shall not take effect without first  
33 receiving the review and the approval of the commissioner. If the  
34 commissioner does not issue an approval or disapproval within 30  
35 calendar days of transmittal by the clerk, the determination shall be  
36 deemed to be approved. If the area in need of redevelopment is  
37 situated in an area in which development or redevelopment is to be  
38 encouraged pursuant to any State law or regulation promulgated  
39 pursuant thereto, then the determination shall take effect after the  
40 clerk has transmitted a copy of the resolution to the commissioner.

41 (d) The determination, if supported by substantial evidence and,  
42 if required, approved by the commissioner, shall be binding and  
43 conclusive upon all persons affected by the determination.

44 (e) Notice of the determination shall be served, within 10 days  
45 after the determination, **【upon each person who filed a written**  
46 **objection thereto and stated, in or upon the written submission, an**  
47 **address to which notice of determination may be sent.】** upon each

1 person who received notice of the public hearing in accordance with  
 2 paragraph (3) of this subsection in the same manner as provided  
 3 therein. Additionally, notice of the determination shall be  
 4 published in the official newspaper of the municipality, together  
 5 with the date of the first publication of such notice and also a  
 6 statement that any action or proceeding of any kind or nature in any  
 7 court questioning the validity of the adoption of the ordinance or  
 8 the determination contained therein, shall be commenced within 60  
 9 days after the first publication of the notice. The notice shall  
 10 include the following statement in boldface type:

11 **THE GOVERNING BODY OF \_\_\_\_\_ HAS**  
 12 **DESIGNATED PART OF THE MUNICIPALITY AS A "NON-**  
 13 **CONDEMNATION REDEVELOPMENT AREA." THIS**  
 14 **DESIGNATION DOES NOT ALLOW FOR THE TAKING OF**  
 15 **PROPERTY BY CONDEMNATION FOR REDEVELOPMENT**  
 16 **PURPOSES. PROPERTY CAN ONLY BE TAKEN BY**  
 17 **CONDEMNATION FOR REDEVELOPMENT PURPOSES IF**  
 18 **IT IS LOCATED IN AN AREA DESIGNATED AS A**  
 19 **"CONDEMNATION REDEVELOPMENT AREA" AND THE**  
 20 **MUNICIPALITY PROVIDES PROPER NOTICE OF THAT**  
 21 **DESIGNATION. A LAWSUIT TO CHALLENGE THIS**  
 22 **DESIGNATION MUST BE FILED BY** (the 60th day after the  
 23 first publication of the notice), **WHICH IS THE 60TH DAY**  
 24 **AFTER THE FIRST PUBLICATION OF THIS NOTICE, OR A**  
 25 **CHALLENGE TO THE DESIGNATION MAY BE FOREVER**  
 26 **BARRED, UNLESS OTHERWISE PERMITTED BY THE**  
 27 **COURT.**  
 28

29 (6) **[If written objections were filed in connection with the**  
 30 **hearing, the municipality shall, for 45 days next following its**  
 31 **determination to which the objections were filed, take no further**  
 32 **action to acquire any property by condemnation within the**  
 33 **redevelopment area.] A municipal governing body shall not adopt**  
 34 **a redevelopment plan ordinance in accordance with section 7 of**  
 35 **P.L.1992, c.79 (C.40A:12A-7) until at least 60 days have transpired**  
 36 **after the first date of publication of the notice specified in paragraph**  
 37 **(5) of subsection b. of this section.**

38 (7) If a person **[who filed a written objection to a determination**  
 39 **by the municipality pursuant to this subsection]** shall, within **[45]**  
 40 **60 days [after the adoption by the municipality of the determination**  
 41 **to which the person objected] following the date of the notice,**  
 42 **apply to the Superior Court, the court may grant further review of**  
 43 **the determination by procedure in lieu of prerogative writ; and in**  
 44 **any such action the court may make any incidental order that it**  
 45 **deems proper.**

46 c. An area determined to be **[in need of]** **a non-condemnation**  
 47 **redevelopment area pursuant to subsections a. and b. of this section**

1 shall be deemed to be a "blighted area" for all of the purposes of  
2 Article VIII, Section III, paragraph 1 of the Constitution except for  
3 the purpose of acquiring property through the exercise of the power  
4 of eminent domain. If an area is determined to be a non-  
5 condemnation redevelopment area and a redevelopment plan is  
6 adopted for that area in accordance with the provisions of this act,  
7 the municipality is authorized to utilize all those powers provided in  
8 section 8 of P.L.1992, c.79 (C.40A:12A-8), except that the power of  
9 condemnation shall be exercised only in an area declared to be a  
10 condemnation redevelopment area pursuant to section 15 of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill).  
12 (cf: P.L.2003, c.125, s.4)  
13

14 15. (New section) a. (1) No area of a municipality shall be  
15 determined a condemnation redevelopment area unless the  
16 governing body of the municipality shall, by resolution, authorize  
17 the planning board to undertake a preliminary investigation to  
18 determine whether the proposed area is a condemnation  
19 redevelopment area according to the criteria set forth in section 5 of  
20 P.L.1992, c.79 (C.40A:12A-5). The determination shall be made  
21 after public notice and public hearing as provided in subsection b.  
22 of this section.

23 (2) (a) The governing body of a municipality shall assign the  
24 conduct of the investigation and hearing required by this subsection  
25 to the planning board of the municipality.

26 (b) In the case of any proposed condemnation redevelopment  
27 area that is more than 10 acres in area, or that contains more than  
28 100 occupied dwelling units or more than 50 operating business  
29 premises, the governing body shall hold a public informational  
30 meeting prior to adoption of the resolution authorizing the planning  
31 board to undertake a preliminary investigation as set forth in this  
32 subsection. Notice of the public informational meeting shall be as  
33 in subparagraph (b) of paragraph (3) of subsection b. of this section,  
34 except that notice to individual property owners and tenants shall  
35 not be required.

36 (3) A redeveloper or prospective redeveloper shall not conduct or  
37 fund any part of the preliminary investigation, however, an  
38 agreement designating a redeveloper pursuant to section 8 of  
39 P.L.1992, c.79 (C.40A:12A-8) may require the redeveloper to  
40 provide for reimbursement of the costs associated with the  
41 preliminary investigation.

42 b. (1) Before proceeding to a public hearing on the matter, the  
43 planning board shall prepare a map showing the boundaries of the  
44 proposed condemnation redevelopment area and the location, by  
45 block, lot, and street address, of the various parcels of property  
46 included therein. There shall be appended to the map a report  
47 setting forth the factual and legal basis for the investigation.

1 (2) The planning board shall specify a date for, and give notice  
2 of, a public hearing for the purpose of hearing persons who are  
3 interested in, or would be affected by, a determination that the  
4 delineated area is a condemnation redevelopment area.

5 (3) (a) The public hearing notice shall be written in simple, clear,  
6 understandable, and easily readable language. The notice shall  
7 specifically and fairly alert the property owners, legal tenants and  
8 lessees of, as well as claimants of an interest in, all parcels of  
9 property located within the boundaries of the proposed  
10 condemnation redevelopment area that the parcel of property that  
11 they have an interest in is being considered for inclusion in the  
12 condemnation redevelopment area. The notice shall clearly state  
13 that the public hearing will begin the process through which it will  
14 be decided whether private property located within the proposed  
15 area may be taken by condemnation for redevelopment purposes.  
16 The notice shall set forth the general boundaries of the area to be  
17 investigated and state that a map and report have been prepared and  
18 can be inspected during regular business hours at a location  
19 identified in the notice. The notice shall include the following  
20 statement in bold typeface:

21 **THE GOVERNING BODY OF \_\_\_\_\_ IS**  
22 **CONSIDERING DESIGNATING PART OF THE**  
23 **MUNICIPALITY AS A "CONDEMNATION**  
24 **REDEVELOPMENT AREA." THIS DESIGNATION**  
25 **WOULD ALLOW FOR THE TAKING OF PROPERTY BY**  
26 **CONDEMNATION FOR REDEVELOPMENT PURPOSES.**

27 (b) (i) A copy of the public hearing notice shall be published in a  
28 newspaper of general circulation in the municipality once each  
29 week for two consecutive weeks, and the last publication shall be  
30 not less than 10 days prior to the date set for the public hearing.

31 (ii) If the municipality has an Internet web site, the notice shall  
32 be posted thereon.

33 (iii) A copy of the notice also shall be posted within or proximate  
34 to each property within the proposed condemnation redevelopment  
35 area.

36 (iv) A copy of the notice shall be mailed at least 15 days prior to  
37 the date set for the public hearing to the last owner, if any, of each  
38 parcel of property within the proposed condemnation  
39 redevelopment area as shown on the most recent assessment records  
40 of the municipality, and to any legal tenant or lessee of any of those  
41 properties. The municipal clerk or other clerk or official designated  
42 by the planning board shall contact, by certified mail, the legal  
43 owner of each rental property to request the names and addresses of  
44 the legal tenants and lessees. If the legal owner of the rental  
45 property refers the clerk or other official to a management company  
46 for such information, the clerk or other official shall contact, by  
47 certified mail, that management company to request the names and

1 addresses of legal tenants and lessees. If the municipal clerk or  
2 other clerk or official designated by the planning board does not  
3 receive the names and addresses of the legal tenants and lessees  
4 within 20 days of such request being mailed, then those notices  
5 shall be mailed, by regular mail only, to each rental unit in such  
6 rental property shown in the records of the municipality, addressed  
7 to "occupant." A copy of the notice shall be posted on each such  
8 rental property at least 15 days prior to the date of the public  
9 hearing, and a municipal employee shall execute an affidavit that  
10 such notice was duly posted and shall attach a true and correct copy  
11 of the notice to the affidavit. A notice also shall be sent to all  
12 persons at their last known address, if any, whose names are noted  
13 on the assessment records as claimants of an interest in any such  
14 parcel. The assessor of the municipality shall make a notation upon  
15 the records when requested to do so by any person claiming to have  
16 an interest in any parcel of property in the municipality. The notice  
17 required by this paragraph shall be published, posted, and mailed by  
18 the municipal clerk, or by such clerk or official as the planning  
19 board shall otherwise designate. Mailing shall be by regular mail  
20 and by certified mail, return receipt requested. Failure to mail any  
21 such notice shall be governed by the provisions of section 27 of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill).

23 (c) Prior to the public hearing, a copy of all documents relevant  
24 to the determination that an area is a condemnation redevelopment  
25 area shall be available for public inspection during regular business  
26 hours at a location identified in the notice, and if the municipality  
27 has an Internet web site, they shall be posted thereon.

28 (4) At the public hearing, which may be adjourned from time to  
29 time, the planning board shall hear all persons who are interested in,  
30 or would be affected by, a determination that the delineated area is  
31 a condemnation redevelopment area. All objections to such a  
32 determination and evidence in support of those objections, given  
33 orally or in writing, shall be received and considered, and made part  
34 of the public record.

35 (5) (a) After completing its hearing on this matter, the planning  
36 board shall recommend that the delineated area, or any part thereof,  
37 be determined, or not be determined, by the municipal governing  
38 body to be a condemnation redevelopment area.

39 (b) After receiving the recommendation of the planning board,  
40 the municipal governing body may adopt an ordinance determining  
41 that the delineated area, or any part thereof, is a condemnation  
42 redevelopment area. No parcel shall be included in the  
43 condemnation redevelopment area that was not recommended for  
44 inclusion by the planning board.

45 (c) Forthwith after introduction of the ordinance, the clerk of the  
46 municipality shall transmit a copy of the ordinance to the  
47 Commissioner of Community Affairs for review. If the



1 condemnation redevelopment area is not situated in an area in  
2 which development or redevelopment is to be encouraged pursuant  
3 to any State law or regulation promulgated pursuant thereto, the  
4 ordinance shall not be finally adopted without first receiving the  
5 review and the approval of the commissioner. If the commissioner  
6 does not issue an approval or disapproval within 30 calendar days  
7 of transmittal by the clerk, the municipality may proceed to finally  
8 adopt the ordinance. If the area in need of redevelopment is  
9 situated in an area in which development or redevelopment is to be  
10 encouraged pursuant to any State law or regulation promulgated  
11 pursuant thereto, then the municipality may proceed to finally adopt  
12 the ordinance without waiting for the commissioner's review.

13 (d) The determination, if supported by substantial evidence and,  
14 if required, approved by the commissioner, shall be binding and  
15 conclusive upon all persons affected by the determination.

16 (e) (i) Notice of final adoption of an ordinance making a  
17 determination that an area is a condemnation redevelopment area  
18 shall be served, within 10 days after the final adoption of the  
19 ordinance making the determination, upon each person who  
20 received notice of the public hearing in accordance with sub-  
21 paragraph (b) of paragraph (3) of this subsection in the same  
22 manner as provided therein. The notice shall specifically and fairly  
23 alert the property owners, legal tenants and lessees of, as well as  
24 claimants of an interest in, all parcels of property located within the  
25 boundaries of the condemnation redevelopment area that the parcel  
26 of property that they own, or have an interest in, is included within  
27 the condemnation redevelopment area. The notice shall clearly  
28 state that this redevelopment determination operates as a finding of  
29 public purpose and authorizes the municipality to acquire the parcel  
30 of property that they own, or have an interest in, against their will,  
31 by condemnation for redevelopment purposes. The notice shall  
32 clearly inform the owners, legal tenants and lessees of, as well as  
33 claimants of an interest in, all parcels of property located within the  
34 boundaries of the condemnation redevelopment area that any action  
35 or proceeding of any kind or nature in any court questioning the  
36 validity of the adoption of the ordinance or the determination  
37 contained therein, shall be commenced within 60 days after the date  
38 of the first publication of notice under sub-paragraph (iii) of this  
39 paragraph.

40 The notice shall include the following statement in boldface  
41 type:

42 **THE GOVERNING BODY OF \_\_\_\_\_ HAS**  
43 **DESIGNATED PART OF THE MUNICIPALITY AS A**  
44 **"CONDEMNATION REDEVELOPMENT AREA." THIS**  
45 **DESIGNATION OPERATES AS A FINDING OF PUBLIC**  
46 **PURPOSE AND ALLOWS THE MUNICIPALITY TO**  
47 **ACQUIRE PROPERTY LOCATED IN THE AREA BY**

1   **CONDEMNATION (AGAINST THE OWNER'S WILL) FOR**  
2   **REDEVELOPMENT PURPOSES. YOU HAVE BEEN**  
3   **IDENTIFIED AS A PERSON WHO OWNS OR WHO HAS AN**  
4   **INTEREST IN A PROPERTY LOCATED IN THE**  
5   **DESIGNATED AREA. IF YOU WANT TO CHALLENGE**  
6   **THIS DESIGNATION, YOU MUST FILE A LAWSUIT BY**  
7   (the 60th day after the first publication of the notice), **WHICH IS**  
8   **THE 60TH DAY AFTER THE FIRST PUBLICATION OF**  
9   **THIS NOTICE OR A CHALLENGE TO THE DESIGNATION**  
10   **MAY BE FOREVER BARRED, UNLESS OTHERWISE**  
11   **PERMITTED BY THE COURT.**

12       (ii) Forthwith after mailing the notices required to be mailed  
13   pursuant to sub-subparagraph (i) of this subparagraph, the clerk of  
14   the municipality shall file in the office of the county clerk or  
15   register of deeds and mortgages, as the case may be, of the county  
16   in which the affected real estate is situate, a copy of each written  
17   notice required to be mailed to a property owner pursuant to sub-  
18   subparagraph (i) of this subparagraph. The county clerk or register  
19   of deeds and mortgages, with whom a notice is filed, shall forthwith  
20   record the same, with the time of the filing thereof, in a proper book  
21   provided and kept for the purpose of maintaining a record of  
22   properties located within condemnation redevelopment areas  
23   designated within the county. The record book shall be properly  
24   indexed, and shall be a public record, to which persons desiring to  
25   examine the same shall have access.

26       (iii) Notice of final adoption of an ordinance making a  
27   determination of a condemnation redevelopment area shall be  
28   published in the official newspaper of the municipality. The notice  
29   shall clearly state that this redevelopment determination operates as  
30   a finding of public purpose and authorizes the municipality to  
31   acquire property located in the area by condemnation (against the  
32   owner's will) for redevelopment purposes. The notice shall clearly  
33   state the date of the first publication of the notice and inform the  
34   general public that any action or proceeding of any kind or nature in  
35   any court questioning the validity of the adoption of the ordinance  
36   or the determination contained therein, shall be commenced within  
37   60 days after the first publication of the notice. If the municipality  
38   has an Internet web site, the notice shall be posted thereon. A copy  
39   of the notice also shall be posted within or proximate to each  
40   property within the condemnation redevelopment area.

41       (6) A municipal governing body shall not adopt a redevelopment  
42   plan ordinance in accordance with section 7 of P.L.1992, c.79  
43   (C.40A:12A-7) and section 18 of P.L. , c. (C. ) (pending before  
44   the Legislature as this bill) until at least 60 days have transpired  
45   after the first date of publication of the notice specified in paragraph  
46   (5) of subsection b. of this section.

1 (7) If a person shall, within 60 days following the date of the  
2 notice, apply to the Superior Court, the court may grant further  
3 review of the determination by procedure in lieu of prerogative  
4 writ; and in any such action the court may make any incidental  
5 order that it deems proper.

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

15  
16 16. (New section) a. Designation of an area as a redevelopment  
17 area shall lapse seven years following: (1) the adoption of the  
18 resolution or ordinance, as appropriate, making the determination if  
19 the municipality has not adopted a redevelopment plan for that  
20 redevelopment area and made substantial progress on implementing  
21 the plan, or (2) the final adoption of the original redevelopment plan  
22 if no projects have been commenced pursuant to the redevelopment  
23 plan, or one or more projects have been commenced but cumulative  
24 stoppages of construction work that are attributable to the action or  
25 inaction of the developer or redeveloper have totaled more than 365  
26 days, however, despite cumulative work stoppages totaling more  
27 than 365 days, a redevelopment area designation shall not lapse  
28 while work on a project is ongoing. Work on a project shall be  
29 considered to be ongoing despite work stoppages that are not  
30 attributable to the action or inaction of the developer or  
31 redeveloper. For the purposes of this subsection, a bona fide  
32 agreement for project financing shall constitute commencement of a  
33 project or substantial progress on implementing the plan.

34 b. In any action or proceeding before the court questioning the  
35 validity of a redevelopment determination, the municipality,  
36 redevelopment entity, or redeveloper shall be responsible for  
37 producing the exhibits that were relied upon to support the  
38 redevelopment area determination.

39 c. A proceeding questioning the validity of a redevelopment area  
40 determination shall be heard by the court on a priority basis with the  
41 goal of expediting the proceedings to the greatest extent possible.

42 d. Upon finding that any property is not necessary for the  
43 completion of a redevelopment project, the municipal governing  
44 body shall omit that property from the redevelopment plan.

45  
46 17. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to  
47 read as follows:

7. a. Following the determination of a non-condemnation redevelopment area pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-6), the determination of a condemnation redevelopment area pursuant to section 15 of P.L. , c. (C. ) (pending before the Legislature as this bill), or the determination of an area in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14), the municipality may undertake the preparation of a redevelopment plan for all or some part of the area determined to be in need of redevelopment or rehabilitation, directly in accordance with subsection e. of this section, or, by resolution, may direct the municipal planning board to develop such plan in accordance with subsection f. of this section. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body [ , upon its finding that the ] relating to a specifically delineated project area that is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate. The ordinance shall be adopted in accordance with the provisions contained in this section. Additionally, an ordinance adopting a redevelopment plan for an area located in a condemnation redevelopment area shall comply with the provisions contained in section 18 of P.L. , c. (C. ) (pending before the Legislature as this bill).

**[The]** A redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

(1) **[Its]** The relationship of the plan to [definite] local objectives as set forth in the municipal master plan or other official documents with respect to [appropriate] land uses, density of population, [and improved] improvements or changes to traffic circulation, pedestrian circulation and public transportation, public utilities, recreational and community facilities and other public improvements.

(2) Proposed land uses and building requirements in the project area, including the character, intensity and scale of proposed redevelopment activities, and the design and planning standards and guidelines to govern those activities.

(3) **[Adequate provision for]** A relocation study adequate to identify available units suitable to the temporary and permanent relocation, as necessary, of residents and businesses in the project area, as required by the "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.), and any other applicable law, including, for residents, an estimate of the extent to which [decent, safe and sanitary dwelling units affordable to displaced residents] comparable, affordable replacement housing will be available [to

1 them] in the existing local housing market, an assessment of the  
2 disparity between the availability of comparable, affordable  
3 replacement housing and the needs of the residents in the project  
4 area, an estimate of the amount and type of replacement housing  
5 that will have to be provided within or without the redevelopment  
6 area in order to meet the relocation needs of residents in the project  
7 area, and a plan setting forth the manner and timetable in which that  
8 housing, if needed, will be provided.

9 (4) (a) An identification, by block and lot and street address, if  
10 any, of [any] every property within the redevelopment area  
11 [which]. The redevelopment plan shall indicate whether each  
12 property so identified is proposed to be acquired [in accordance  
13 with the redevelopment plan].

14 (b) With regard to properties located within a condemnation  
15 redevelopment area, the redevelopment plan shall indicate each  
16 property's relationship to the objectives of the redevelopment plan  
17 that cannot be realistically achieved without the acquisition of that  
18 property, any alternatives that were considered to the proposed  
19 acquisition, and the reasons that such alternatives would not provide  
20 for realistic achievement of the objectives of the redevelopment  
21 plan, if adopted. The allocation of the cost of this assessment shall  
22 be negotiated and agreed upon between the municipality and the  
23 redevelopment entity.

24 (5) Any significant relationship of the redevelopment plan to (a)  
25 the master plans of contiguous municipalities, (b) the master plan of  
26 the county in which the municipality is located, and (c) the State  
27 Development and Redevelopment Plan adopted pursuant to the  
28 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

29 (6) As of the date of the adoption of the resolution finding the  
30 area to be in need of redevelopment, an inventory of all housing  
31 units affordable to low and moderate income households, as defined  
32 pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to  
33 be removed as a result of implementation of the redevelopment  
34 plan, whether as a result of subsidies or market conditions, listed by  
35 affordability level, number of bedrooms, and tenure.

36 (7) [A plan for the provision, through new construction or  
37 substantial rehabilitation of one] Provisions for the replacement of  
38 any housing that was constructed for low and moderate income  
39 households under the terms of any State or federal housing subsidy  
40 program, which housing is to be removed as a result of the  
41 redevelopment plan, with comparable, affordable replacement  
42 housing [unit for each affordable housing unit that has been  
43 occupied at any time within the last 18 months, that is subject to  
44 affordability controls and that is identified as to be removed as a  
45 result of implementation of the redevelopment plan] units.  
46 Displaced residents of housing units provided under any State or  
47 federal housing subsidy program, or pursuant to the "Fair Housing

1 Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are  
2 deemed to be eligible, shall have first priority for those replacement  
3 units provided under the plan **【; provided that any such】** . A  
4 replacement unit shall not be credited against a prospective  
5 municipal obligation under the "Fair Housing Act," P.L.1985, c.222  
6 (C.52:27D-301 et al.), if the housing unit which is removed had  
7 previously been credited toward satisfying the municipal fair share  
8 obligation. Rental comparable, affordable replacement housing  
9 units shall contain affordability controls restricting occupancy to  
10 low and moderate income households for a period of at least 45  
11 years, unless another period is established under an applicable State  
12 or federal financing program. To the extent reasonably feasible,  
13 replacement housing shall be provided within or in close proximity  
14 to the redevelopment area. A municipality shall report annually to  
15 the Department of Community Affairs on its progress in  
16 implementing the **【plan for】** provision of comparable, affordable  
17 replacement housing **【required】** in accordance with a plan adopted  
18 pursuant to this section.

19 (8) An estimate of the number of dwelling units for low and  
20 moderate income households that may be required as a result of  
21 implementing the redevelopment plan, in order to meet the  
22 municipality's obligations under the "Fair Housing Act," P.L.1985,  
23 c.222 (C.52:27D-301 et al.), and the municipality's plan for meeting  
24 those obligations within or outside the redevelopment area.

25 (9) The social and economic impact of the redevelopment area,  
26 including its effect on those parts of the municipality adjacent to the  
27 redevelopment area, and on the low and moderate income residents  
28 of the area, further including estimates of the number of temporary  
29 and permanent jobs that will be available to the low and moderate  
30 income residents of the area.

31 (10) Preservation or conservation strategies and goals for the  
32 assets contained in the inventory of environmental, historical, and  
33 cultural assets in the delineated project area.

34 (11) An explanation of how any development controls contained  
35 in the redevelopment plan are consistent with smart growth  
36 planning principles adopted pursuant to law or regulation.

37 (12) A statement setting forth the municipal planning board's  
38 ability, if any, to grant relief to applicants from elements of the  
39 redevelopment plan when reviewing and approving development  
40 applications, including, but not limited to, variances, exceptions,  
41 and waivers as defined in the "Municipal Land Use Law," P.L.1975,  
42 c.291 (C.40:55D-1 et seq.).

43 b. **【A】** In addition to that housing provided pursuant to  
44 paragraph (8) of subsection a. of this section, a redevelopment plan  
45 may include the provision of affordable housing in accordance with  
46 the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and  
47 the housing element of the municipal master plan.

- 1 c. The redevelopment plan shall describe its relationship to  
2 pertinent municipal development regulations as defined in the  
3 “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.).  
4 The redevelopment plan shall supersede applicable provisions of the  
5 development regulations of the municipality or constitute an  
6 overlay zoning district within the redevelopment area. When the  
7 redevelopment plan supersedes any provision of the development  
8 regulations, the ordinance adopting the redevelopment plan shall  
9 contain an explicit amendment to the zoning district map included  
10 in the zoning ordinance. The zoning district map as amended shall  
11 indicate the redevelopment area to which the redevelopment plan  
12 applies. Notwithstanding the provisions of the “Municipal Land  
13 Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no  
14 notice beyond that required for adoption of ordinances by the  
15 municipality shall be required for the hearing on or adoption of the  
16 redevelopment plan for a non-condemnation redevelopment area or  
17 subsequent amendments thereof.
- 18 d. All provisions of the redevelopment plan shall be either  
19 substantially consistent with the municipal master plan or designed  
20 to effectuate the master plan; but the municipal governing body may  
21 adopt a redevelopment plan which is inconsistent with or not  
22 designed to effectuate the master plan by affirmative vote of a  
23 majority of its full authorized membership with the reasons for so  
24 acting set forth in the redevelopment plan.
- 25 e. **【Prior to the adoption of a redevelopment plan, or revision or**  
26 **amendment thereto, the】** If a municipality prepares a redevelopment  
27 plan, or revision or amendment thereto directly, the municipal  
28 governing body shall refer the proposed redevelopment plan,  
29 revision or amendment to the municipal planning board for review.  
30 Such referral may be by resolution. The municipal planning board  
31 shall transmit to the governing body, within 45 days after referral, a  
32 report containing its recommendation concerning the redevelopment  
33 plan. This report shall include an identification of any provisions in  
34 the proposed redevelopment plan which are inconsistent with the  
35 master plan and recommendations concerning these inconsistencies  
36 and any other matters as the board deems appropriate. The  
37 governing body, when considering the adoption of a redevelopment  
38 plan or revision or amendment thereof, shall review the report of  
39 the planning board and may approve or disapprove or change any  
40 recommendation by a vote of a majority of its full authorized  
41 membership and shall record in its minutes the reasons for not  
42 following the recommendations. Failure of the planning board to  
43 transmit its report within the required 45 days shall relieve the  
44 governing body from the requirements of this subsection with  
45 regard to the pertinent proposed redevelopment plan or revision or  
46 amendment thereof. Nothing in this subsection shall diminish the  
47 applicability of the provisions of subsection d. of this section with

1 respect to any redevelopment plan or revision or amendment  
2 thereof.

3 f. The governing body of a municipality may direct the planning  
4 board to prepare a redevelopment plan or an amendment or revision  
5 to a redevelopment plan for a designated redevelopment area. After  
6 completing the redevelopment plan, the planning board shall  
7 transmit the proposed plan to the governing body for its adoption.  
8 The governing body, when considering the proposed plan, may  
9 amend or revise any portion of the proposed redevelopment plan by  
10 an affirmative vote of the majority of its full authorized  
11 membership and shall record in its minutes the reasons for each  
12 amendment or revision. When a redevelopment plan or amendment  
13 to a redevelopment plan is referred to the governing body by the  
14 planning board under this subsection, the governing body shall be  
15 relieved of the referral requirements of subsection e. of this section.  
16 (cf: P.L.2008, c.46, s.2)

17  
18 18. (New section) a. In addition to the requirements contained  
19 in section 7 of P.L.1992, c.79 (C.40A:12A-7), an ordinance  
20 adopting a redevelopment plan for an area located in a  
21 condemnation redevelopment area shall comply with the provisions  
22 contained in this section.

23 b. Notice of the public hearing on the ordinance shall state the  
24 date, time, and location of the public hearing, shall identify where  
25 the proposed redevelopment plan is available for examination and  
26 shall identify, by block and lot and street address, if any, the parcels  
27 that may be included in a condemnation area and subject to  
28 acquisition and the power of eminent domain under the proposed  
29 redevelopment plan.

30 c. (1) The full text of the redevelopment plan to be considered  
31 by the governing body along with any maps or other exhibits  
32 thereto, shall be made available to the public in the municipal  
33 building and shall be posted on the municipality's Internet web site,  
34 if any, at the time the hearing notice is provided. Copies of the  
35 proposed redevelopment plan shall be available for purchase by any  
36 interested party.

37 (2) A copy of the notice of the public hearing shall be published  
38 in a newspaper of general circulation in the municipality once each  
39 week for two consecutive weeks, and the last publication shall be  
40 not less than 10 days prior to the date set for the hearing, and shall  
41 be posted on the municipality's Internet web site, if any, and in a  
42 reasonable number of public places within or proximate to the  
43 proposed condemnation redevelopment area as may be available  
44 and appropriate.

45 (3) (a) A copy of the notice, including bolded language  
46 specifying that the owner's property is subject to condemnation,  
47 shall be mailed by the municipal clerk, by regular mail, at least 10



1 days prior to the date set for the hearing to the last owner, if any, of  
2 each parcel of property within the area according to the assessment  
3 records of the municipality and to any legal tenant or lessee.

4 (b) The municipal clerk shall contact, by certified mail, the legal  
5 owner of each rental property to request the names and addresses of  
6 the legal tenants and lessees. If the legal owner of the rental  
7 property refers the clerk to a management company for such  
8 information, the clerk shall contact, by certified mail, that  
9 management company to request the names and addresses of legal  
10 tenants and lessees. If the municipal clerk does not receive the  
11 names and addresses of the legal tenants and lessees within 20 days  
12 of such request being mailed, then those notices shall be mailed, by  
13 regular mail only, to each rental unit in such rental property shown  
14 in the records of the municipality, addressed to "occupant." A copy  
15 of the notice shall be posted on each such rental property at least 15  
16 days prior to the date of the public hearing, and a municipal  
17 employee shall execute an affidavit that such notice was duly  
18 posted and shall attach a true and correct copy of the notice to the  
19 affidavit.

20 (c) For property owners whose properties do not exhibit  
21 conditions of blight and are proposed to be acquired under the  
22 redevelopment plan, the notice shall specify the reason why  
23 acquiring the property is necessary for the redevelopment of the  
24 area.

25 (d) A notice shall also be sent by the municipal clerk to all  
26 persons at their last known address, if any, whose names are noted  
27 on the assessment records as claimants of an interest in any such  
28 parcel. The assessor of the municipality shall make a notation upon  
29 the records when requested to do so by any person claiming to have  
30 an interest in any parcel of property in the municipality.

31 (e) Failure to mail any notice required under this paragraph shall  
32 be governed by the provisions of section 27 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill).

34 d. At the public hearing, the municipal governing body shall  
35 hear all persons who are interested in or would be affected by the  
36 provisions of the redevelopment plan, and such persons shall be  
37 allowed to ask questions concerning the plan, although the  
38 governing body may, by vote of its majority, restrict or limit the  
39 amount of time afforded for each person to speak and may adopt  
40 reasonable procedures for preventing repetitive or dilatory  
41 questioning. A record of the public hearing shall be kept by the  
42 municipal clerk. Upon the close of the public hearing, the  
43 municipal governing body may vote to finally adopt the ordinance.

44 e. (1) Notice of final adoption of an ordinance adopting a  
45 redevelopment plan for a condemnation redevelopment area shall be  
46 mailed, within 10 days after the final adoption of the ordinance  
47 making such determination, to each person who received notice of

1 the public hearing in accordance with paragraph (3) of subsection c.  
2 of this section, in the same manner as provided therein.

3 (2) Additionally, notice of final adoption of an ordinance making  
4 a determination shall be published in the official newspaper of the  
5 municipality, together with the date of the first publication of such  
6 notice and also a statement that any action or proceeding of any  
7 kind or nature in any court questioning the validity of the adoption  
8 of the ordinance or the determination contained therein, shall be  
9 commenced within 60 days after the first publication of such notice.

10 (3) The notice that is mailed to owners, legal tenants and lessees  
11 of properties proposed to be acquired shall contain the following  
12 bolded language:

13  
14 **THE GOVERNING BODY OF \_\_\_\_\_ HAS**  
15 **IDENTIFIED THE PROPERTY YOU OWN OR RENT FOR**  
16 **POSSIBLE ACQUISITION THROUGH EMINENT**  
17 **DOMAIN. IF YOU WISH TO CONTEST THE**  
18 **IDENTIFICATION OF YOUR PROPERTY FOR**  
19 **POSSIBLE ACQUISITION OR CHALLENGE ANY**  
20 **PROVISION OF THE REDEVELOPMENT PLAN, YOU**  
21 **MUST FILE YOUR LAWSUIT BY** (60th day after the date of  
22 first publication) **WHICH IS THE 60TH DAY AFTER THE**  
23 **DATE OF FIRST PUBLICATION OF THIS NOTICE, OR**  
24 **YOUR RIGHT TO CHALLENGE THE PLAN MAY BE**  
25 **BARRED FOREVER, UNLESS OTHERWISE PERMITTED**  
26 **BY THE COURTS.**

27  
28 f. The municipality may not finally authorize and execute an  
29 agreement with a redeveloper until 60 days next following the final  
30 adoption of the ordinance adopting a redevelopment plan for a  
31 condemnation redevelopment area pursuant to this section, unless  
32 the redeveloper is the owner of the property that is the subject of the  
33 redevelopment agreement.

34 g. Amendments and revisions to redevelopment plans for  
35 condemnation redevelopment areas shall comply with the  
36 provisions contained in this section if the proposed changes: (1) add  
37 a property or properties to those previously identified for  
38 acquisition; (2) increase the residential density by 20 percent or  
39 more; (3) increase the non-residential square footage by 20 percent  
40 or more; (4) increase the area subject to the redevelopment plan or  
41 (5) extend the period of time within which any land or building  
42 which is necessary for a redevelopment project may be acquired by  
43 condemnation; however, an amendment or revision to a  
44 redevelopment plan extending the period of time to acquire property  
45 by condemnation need only comply with the requirements  
46 contained in paragraph (3) of subsection c. of this section and

1 paragraph (1) of subsection e. of this section with regard to parcels  
2 of property subject to the proposed extension of time to condemn.  
3

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

6 8. Upon the adoption of a redevelopment plan pursuant to  
7 section 7 of P.L.1992, c.79 (C.40A:12A-7), the municipality or  
8 redevelopment entity designated by the governing body may  
9 proceed with the clearance, replanning, development and  
10 redevelopment of the area designated in that plan.

11 Prior to the exercise of any power granted pursuant to this  
12 section that will result in a substantial negative environmental  
13 impact on, or safety risk to, other persons or businesses remaining  
14 in the redevelopment area, the municipality or redeveloper, or a  
15 designee, shall offer those persons and businesses relocation  
16 assistance in accordance with the "Relocation Assistance Law of  
17 1967," P.L.1967, c.79 (C.52:31B-1 et seq.) and the "Relocation  
18 Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.). The  
19 Commissioner of Community Affairs, in consultation with the  
20 Commissioner of Environmental Protection, shall promulgate rules  
21 and regulations within 180 days of enactment of P.L. , c. (C. )  
22 (pending before the Legislature as this bill) to clarify the  
23 circumstances requiring the offer of relocation assistance to persons  
24 or businesses under this section. The requirement to offer  
25 relocation assistance under this section shall be applicable to  
26 actions taken to implement redevelopment plans that are adopted  
27 after the date that the rules and regulations provided herein are  
28 promulgated.

29 In order to carry out and effectuate the purposes of this act and  
30 the terms of the redevelopment plan, the municipality or designated  
31 redevelopment entity may:

32 a. Undertake redevelopment projects, and for this purpose issue  
33 bonds in accordance with the provisions of section 29 of P.L.1992,  
34 c.79 (C.40A:12A-29).

35 b. Acquire property pursuant to subsection i. of section 22 of  
36 P.L.1992, c.79 (C.40A:12A-22).

37 c. Acquire, by condemnation, within five years of the adoption  
38 of a redevelopment plan for a condemnation redevelopment area, or  
39 within five years of an amendment or revision thereto any land or  
40 building which is necessary for the redevelopment project, pursuant  
41 to the provisions of the "Eminent Domain Act of 1971," P.L.1971,  
42 c.361 (C.20:3-1 et seq.) and the "Local Redevelopment and Housing  
43 Law," P.L.1992, c.79 (C.40A:12A-1 et al.). If the municipality or  
44 redevelopment entity acquires by condemnation contaminated  
45 property, and the property is undergoing a remediation, the  
46 municipality may petition the Department of Environmental  
47 Protection, in writing, for authority to perform the remediation of

- 1 the condemned property in accordance with the provisions of  
2 section 1 of P.L.2005, c.355 (C.58:10B-3.1).
- 3 d. Clear any area owned or acquired and install, construct or  
4 reconstruct streets, facilities, utilities, and site improvements  
5 essential to the preparation of sites for use in accordance with the  
6 redevelopment plan.
- 7 e. Prepare or arrange by contract for the provision of  
8 professional services and the preparation of plans by registered  
9 architects, licensed professional engineers or planners, or other  
10 consultants for the carrying out of redevelopment projects.
- 11 f. Arrange or contract with public agencies or redevelopers for  
12 the planning, replanning, construction, or undertaking of any  
13 project or redevelopment work, or any part thereof; negotiate and  
14 collect revenue from a redeveloper to defray the costs of the  
15 redevelopment entity, including where applicable the costs incurred  
16 in conjunction with bonds, notes or other obligations issued by the  
17 redevelopment entity, and to secure payment of such revenue; as  
18 part of any such arrangement or contract, provide for extension of  
19 credit, or making of loans, to redevelopers to finance any project or  
20 redevelopment work, or upon a finding that the project or  
21 redevelopment work would not be undertaken but for the provision  
22 of financial assistance, or would not be undertaken in its intended  
23 scope without the provision of financial assistance, provide as part  
24 of an arrangement or contract for capital grants to redevelopers; and  
25 arrange or contract with public agencies or redevelopers for the  
26 opening, grading or closing of streets, roads, roadways, alleys, or  
27 other places or for the furnishing of facilities or for the acquisition  
28 by such agency of property options or property rights or for the  
29 furnishing of property or services in connection with a  
30 redevelopment area.
- 31 g. Except with regard to property subject to the requirements of  
32 P.L.2008, c.65 (C.40A:5-14.2 et al.), lease or convey property or  
33 improvements to any other party pursuant to this section, without  
34 public bidding and at such prices and upon such terms as it deems  
35 reasonable, provided that the lease or conveyance is made in  
36 conjunction with a redevelopment plan, notwithstanding the  
37 provisions of any law, rule, or regulation to the contrary.
- 38 h. Enter upon any building or property in any redevelopment  
39 area in order to conduct investigations or make surveys, sounding or  
40 test borings necessary to carry out the purposes of this act.
- 41 i. Arrange or contract with a public agency for the relocation,  
42 pursuant to the "Relocation Assistance Law of 1967," P.L.1967,  
43 c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act,"  
44 P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or  
45 commerce displaced from a redevelopment area.
- 46 j. Make, consistent with the redevelopment plan: (1) plans for  
47 carrying out a program of voluntary repair and rehabilitation of

1 buildings and improvements; and (2) plans for the enforcement of  
2 laws, codes, and regulations relating to the use and occupancy of  
3 buildings and improvements, and to the compulsory repair,  
4 rehabilitation, demolition, or removal of buildings and  
5 improvements.

6 k. Request that the planning board recommend and governing  
7 body designate particular areas as being in need of redevelopment  
8 or rehabilitation in accordance with the provisions of this act and  
9 make recommendations for the redevelopment or rehabilitation of  
10 such areas.

11 l. Study the recommendations of the planning board or  
12 governing body for redevelopment of the area.

13 m. Publish and disseminate information concerning any  
14 redevelopment area, plan or project.

15 n. Do all things necessary or convenient to carry out its powers.

16 o. Request expedited permit application reviews and approval.  
17 in accordance with P.L.2004, c.89 (C.52:27D-10.2 et al.), for  
18 property located in a redevelopment area, and utilize the New  
19 Jersey Redevelopment Authority for these purposes.

20 (cf: P.L.2008, c.65, s.8)

21  
22 20. (New section) a. For all areas determined to be in need of  
23 redevelopment, the municipality shall submit to the Department of  
24 Community Affairs a map outlining the physical boundaries of the  
25 redevelopment area, the preliminary investigation report, and a  
26 copy of the ordinance making the determination. This information  
27 shall be transmitted on or before the 60th day following the  
28 effective date of P.L. , c. (C. ) (pending before the Legislature  
29 as this bill) for areas that were determined to be in need of  
30 redevelopment on or prior to the effective date of P.L. ,  
31 c. (C. ) (pending before the Legislature as this bill), or within 10  
32 days after the area is determined to be in need of redevelopment  
33 after the effective date of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill). The municipality also shall disclose to the  
35 Department of Community Affairs, with updates as required by the  
36 department, an accounting of the cost of all municipal investments  
37 made in the redevelopment area subsequent to the final adoption of  
38 a resolution or ordinance, as applicable, determining the area as in  
39 need of redevelopment, including, but not limited to, the granting of  
40 tax exemptions, the issuance of density bonuses, and the value of  
41 municipal infrastructure provided in the implementation of the plan.  
42 In addition, the municipality shall disclose any other public  
43 infrastructure to be provided in the redevelopment area using public  
44 funds.

45 b. For all condemnations of properties that occur in a  
46 condemnation redevelopment area pursuant to subsection c. of  
47 section 8 of P.L.1992, c.79 (C.40A:12A-8), the municipality shall

1 submit to the Department of Community Affairs a record of the  
2 condemnation and the compensation provided to the property owner  
3 on or before the 10th day following the taking.

4 c. Each year the Department of Community Affairs shall issue a  
5 report that lists the location of all areas currently determined to be  
6 in need of redevelopment in New Jersey; basic data for each area  
7 about its size, population, the status of the redevelopment plan  
8 implementation, the length of time the area has been designated as  
9 an area in need of redevelopment, an accounting of the cost of all  
10 municipal investments and an enumeration of other investments  
11 made in the area using public funds subsequent to the final adoption  
12 of an ordinance determining the area as in need of redevelopment,  
13 as set forth in subsection a. of this section, the number of times  
14 eminent domain has been used and the number of properties that  
15 have been condemned in each condemnation redevelopment area,  
16 and data on compensation received by property owners, when  
17 available. This report shall be made available to the general public  
18 upon request and on the Department of Community Affairs Internet  
19 web site.  
20

21 21. (New section) a. When a redevelopment entity seeks to  
22 acquire property for redevelopment purposes, the written offer of  
23 just compensation required under section 6 of P.L.1971, c.361  
24 (C.20:3-6) shall include the amount of the approved appraisal, the  
25 amounts required pursuant to section 26 of P.L.1971, c.361 (C.20:3-  
26 26), plus:

27 (1) reimbursement for reasonable costs to verify the appraisal on  
28 residential and small business property;

29 (2) reimbursement for reasonable legal costs of the prospective  
30 condemnee to review the basis for condemnation on residential and  
31 small business property, up to \$500;

32 (3) lost rents for the period of time between the determination  
33 that an area is a condemnation redevelopment area and the date of  
34 the offer;

35 (4) the amount of relocation assistance to which the prospective  
36 condemnee is entitled; and

37 (5) with regard to a prospective condemnee who has an approved  
38 application for development under the "Municipal Land Use Law,"  
39 P.L.1975, c.291 (C.40:55D-1 et seq.), reimbursement of actual  
40 reasonable costs expended in securing the approval and in  
41 commencing any approved development.

42 b. When a redevelopment entity seeks to acquire property for  
43 redevelopment purposes, the amount of the written offer of just  
44 compensation required under section 6 of P.L.1971, c.361 (C.20:3-  
45 6) shall be no less than the "replacement value" of the property.  
46 For residential properties, "replacement value" means the  
47 approximate value of a residential property of similar size and

1 quality under comparable conditions, within the municipality and  
2 within a reasonable distance of the property being condemned or  
3 otherwise acquired for redevelopment. For properties other than  
4 residential properties, “replacement value” means the approximate  
5 value of a property of similar size and quality, able to be utilized for  
6 the same business purpose within the municipality or, if no  
7 comparable property is located within the municipality, within a  
8 reasonable distance of the property being condemned or otherwise  
9 acquired for redevelopment.

10 c. Notwithstanding the requirements of section 30 of P.L.1971,  
11 c.361 (C.20:3-30) concerning the date for the determination of just  
12 compensation to the contrary, with regard to property being  
13 acquired for redevelopment purposes, the written offer made by the  
14 condemnor pursuant to section 6 of P.L.1971, c.361 (C.20:3-6) and  
15 the determination of just compensation for the property shall be  
16 determined as of the date described in section 30 of P.L.1971, c.361  
17 (C.20:3-30) that results in the highest valuation for the property  
18 unless a determination based upon the date on which action is taken  
19 by the condemnor which substantially affects the value of the  
20 property of the condemnee results in a higher valuation.

21 d. If an offer with regard to property being acquired for  
22 redevelopment purposes is not accepted and the award of the  
23 condemnation commissioners is increased on appeal pursuant to  
24 section 13 of P.L.1971, c.361 (C.20:3-13), then the condemnor also  
25 shall pay the condemnee's reasonable legal fees expended by the  
26 condemnee to appeal the commissioners' award.

27 e. No property shall be subject to condemnation for  
28 redevelopment purposes unless it has been identified for acquisition  
29 in the redevelopment plan or any amendment thereto, pursuant to  
30 paragraph (4), subsection a. of section 7 of P.L.1992, c.79  
31 (C.40A:12A-7).

32 f. When a non-blighted property is included in a condemnation  
33 redevelopment area, the property shall not be condemned.

34 g. Every resident and small business operator displaced as a  
35 result of a redevelopment project shall have a limited right of first  
36 refusal to purchase or lease a dwelling unit or business space  
37 subsequently constructed within the redevelopment project as set  
38 forth in this section:

39 (1) At such time residents and small business operators are  
40 provided notice under a workable relocation assistance program  
41 pursuant to law or regulation, they shall be provided with the  
42 opportunity to have their names entered into a registry of residents  
43 or a registry of small business operators, as the case may be,  
44 seeking the opportunity to purchase or lease a dwelling unit or  
45 business space, as the case may be, in the redevelopment project.  
46 The registry shall be maintained by the municipal relocation officer  
47 designated under the workable relocation assistance program, a

1 copy of which shall be forwarded to, and also maintained by, the  
2 Department of Community Affairs.

3 (2) At such time that any residential development containing  
4 more than 10 dwelling units, or any nonresidential or mixed use  
5 development containing more than 18,000 square feet of floor area,  
6 shall be constructed in any redevelopment area as a redevelopment  
7 project, the developer shall notify each individual on the  
8 appropriate registry, by registered mail and by e-mail to their last  
9 known mailing or e-mail address, as may be available, of their  
10 opportunity to purchase or lease a dwelling unit or business space,  
11 as applicable. It shall be the sole responsibility of the individual to  
12 maintain a current mailing address with the registry, and the  
13 developer shall be under no obligation to provide notice except as  
14 set forth in this subsection.

15 (3) From the date of mailing of the notice, the individuals on the  
16 registry shall have 20 business days before the units in such  
17 development are offered to the general public in order to enter into  
18 a contract of purchase or a lease for a unit in the development. Such  
19 contract or lease shall be on the same terms and at the same price as  
20 those on which the unit is initially offered to the general public.

21

22 22. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to  
23 read as follows:

24 14. a. A delineated area may be determined to be in need of  
25 rehabilitation if the governing body of the municipality determines  
26 by resolution that a program of rehabilitation may be expected to  
27 prevent further deterioration and promote the overall development  
28 of the community and that there exist in that area conditions such  
29 that:

30 (1) a significant portion of structures therein are in a deteriorated  
31 or substandard condition and there is a continuing pattern of  
32 vacancy, abandonment or underutilization of properties in the area,  
33 **[with] which may be reflected in** a persistent arrearage of property  
34 tax payments thereon; **[or]**

35 (2) **[more than half] a significant amount** of the housing stock  
36 **[in the delineated area is at least 50 years old, or a majority of the**  
37 **water and sewer] or** infrastructure in the delineated area, or both, is  
38 **[at least 50 years old and is]** in need of repair or substantial  
39 maintenance; **[and]**

40 (3) **[a program of rehabilitation, as defined in section 3 of**  
41 **P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further**  
42 **deterioration and promote the overall development of the**  
43 **community] (Deleted by amendment, P.L. , c. .) (pending before**  
44 **the Legislature as this bill);**

45 (4) areas with a significant portion of its buildings or  
46 improvements evidencing dilapidation, obsolescence,  
47 overcrowding, faulty arrangement or design, lack of ventilation,



1 light and sanitary facilities, excessive land coverage, deleterious  
2 land use or obsolete layout, or any combination of these or other  
3 factors; or

4 (5) a growing lack or total lack of proper utilization of areas  
5 resulting in a stagnant or not fully productive condition of land  
6 potentially useful and valuable for contributing to and serving the  
7 public health, safety, and welfare.

8 The resolution determining that the area is in need of  
9 rehabilitation shall be based upon a written report documenting the  
10 conditions that provide the basis for the determination that the area  
11 is in need of rehabilitation. Where warranted by consideration of  
12 the overall conditions and requirements of the community, a finding  
13 of need for rehabilitation may extend to the entire area of a  
14 municipality. Prior to adoption of the resolution, the governing  
15 body shall submit **【it】** the proposed resolution together with the  
16 report that provides the basis for the determination to the municipal  
17 planning board for its review. Within 45 days of its receipt of the  
18 proposed resolution, the municipal planning board shall submit its  
19 recommendations regarding the proposed resolution, including any  
20 modifications which it may recommend, to the governing body for  
21 its consideration. Thereafter, or after the expiration of the 45 days  
22 if the municipal planning board does not submit recommendations,  
23 the governing body may adopt the resolution, with or without  
24 modification. The resolution shall not become effective without the  
25 approval of the commissioner pursuant to section 6 of P.L.1992,  
26 c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

27 b. A delineated area shall be deemed to have been determined to  
28 be an area in need of rehabilitation in accordance with the  
29 provisions of **【this act】** P.L.1992, c.79 (C.40A:12A-1 et al.) if it has  
30 heretofore been determined to be an area in need of rehabilitation  
31 pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.), P.L.1977, c.12  
32 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121 et seq.).

33 c. (1) A municipality may adopt an ordinance declaring a  
34 renovation housing project to be an area in need of rehabilitation for  
35 the purposes of Article VIII, Section I, paragraph 6 of the New  
36 Jersey Constitution if the need for renovation resulted from  
37 conflagration.

38 (2) For the purposes of this subsection, "renovation housing  
39 project" means any work or undertaking to provide a decent, safe,  
40 and sanitary dwelling, to exclusively benefit a specific household,  
41 by the renovation, reconstruction, or replacement of the household's  
42 home on the same lot by either a charitable entity organized to  
43 perform home renovations or by a for-profit builder using 75% or  
44 more volunteer labor-hours to accomplish the construction for the  
45 project. The undertaking may include any buildings; demolition,  
46 clearance, or removal of buildings from land; equipment; facilities;

1 or other personal properties or interests therein which are necessary,  
2 convenient, or desirable appurtenances of the undertaking.

3 d. (1) A municipality may adopt an ordinance declaring a  
4 renovation housing project to be an area in need of rehabilitation for  
5 the purposes of Article VIII, Section I, paragraph 6 of the New  
6 Jersey Constitution if at least half of the number of people  
7 occupying the dwelling as their primary residence qualify for a  
8 federal income tax credit pursuant to 26 U.S.C. s.22 as a result of  
9 being permanently and totally disabled and the improvements to be  
10 made to the dwelling are made substantially to accommodate those  
11 disabilities.

12 (2) For the purposes of this subsection, "renovation housing  
13 project" means any work or undertaking to provide a decent, safe,  
14 and sanitary single-family dwelling, to exclusively benefit at least  
15 half of the number of people occupying a dwelling as their primary  
16 residence, by the renovation, reconstruction, or replacement of that  
17 dwelling on the same lot by either a charitable entity organized to  
18 perform home renovations or by a for-profit builder using 75% or  
19 more volunteer labor-hours to accomplish the construction for the  
20 project. The undertaking may include any buildings; demolition,  
21 clearance, or removal of buildings from land; equipment; facilities;  
22 or other personal properties or interests therein which are necessary,  
23 convenient, or desirable appurtenances of the undertaking.

24 (cf: P.L.2007, c.91, s.1)

25  
26 23. Section 15 of P.L.1992, c.79 (C.40A:12A-15) is amended to  
27 read as follows:

28 15. In accordance with the provisions of a redevelopment plan  
29 adopted pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7), a  
30 municipality or redevelopment entity may proceed with clearance,  
31 replanning, conservation, development, redevelopment and  
32 rehabilitation of an area in need of rehabilitation. **【With respect to**  
33 **a redevelopment project in】** In an area in need of rehabilitation, the  
34 municipality or redevelopment entity, upon the adoption of a  
35 redevelopment plan for the area, may perform any of the actions set  
36 forth in section 8 of P.L.1992, c.79 (C.40A:12A-8), except that  
37 **【with respect to such a project】** the municipality shall not have the  
38 power to use eminent domain to take or acquire private property by  
39 condemnation in furtherance of a redevelopment plan, unless **【:** a.  
40 the area is within an area determined to be in need of  
41 redevelopment pursuant to this act; or b.**】** exercise of that power is  
42 authorized under any other law of this State.

43 (cf: P.L.1992, c.79, s.15)

44  
45 24. (New section) a. Whenever a municipality or redevelopment  
46 entity wishes to enter into an agreement with a redeveloper and  
47 either (1) 20% or more of the redevelopment project or projects will

1 be constructed on land owned by the municipality which will be  
2 conveyed to that redeveloper, or (2) 20% or more of the project or  
3 projects will be constructed upon land within an area in need of  
4 redevelopment that is subject to acquisition by the municipality or  
5 redevelopment entity pursuant to the redevelopment plan, then the  
6 municipality shall approve, by ordinance, a written agreement  
7 designating a redeveloper selected in accordance with this section.

8 b. The municipality or redevelopment entity shall prepare or  
9 have prepared request for proposal documentation, which shall  
10 include: all requirements deemed appropriate and necessary to  
11 allow for full and free competition between potential redevelopers;  
12 information necessary for potential redevelopers to submit a  
13 proposal, including a copy of the redevelopment plan, a general  
14 description of the project or projects, and such municipal public  
15 records relating to buildings and improvements within the  
16 redevelopment area, including, but not limited to, services provided  
17 by public utilities, building permit, and assessment records; and a  
18 methodology by which the municipality will evaluate and rank  
19 proposals received from potential redevelopers.

20 c. The methodology for selecting a redeveloper shall be based  
21 on an evaluation and ranking which may include overall design,  
22 technical expertise, demonstrated experience on projects similar to  
23 the proposed project, the ability to finance the proposed project, and  
24 such other stated criteria as the municipality shall deem relevant.

25 d. (1) At no time during the proposal solicitation process shall  
26 the municipality or redevelopment entity, or any employee or agent  
27 thereof, knowingly convey information to the public or any  
28 potential redeveloper which could confer an unfair advantage upon  
29 that potential redeveloper over any other potential redeveloper. If  
30 the municipality or redevelopment entity desires to change proposal  
31 documentation, the municipality or redevelopment entity shall  
32 notify only those potential redevelopers who received the proposal  
33 documentation of any and all changes in writing, and all existing  
34 documentation shall be changed appropriately.

35 (2) Any person who violates the provisions of this subsection  
36 shall be guilty of a crime of the fourth degree.

37 e. All proposals shall be required to contain a statement of  
38 corporate ownership in accordance with the provisions of section 1  
39 of P.L.1977, c.33 (C.52:25-24.2) and specifications concerning  
40 equal employment opportunity and affirmative action pursuant to  
41 P.L.1975, c.127 (C.10:5-31 et seq.), and the requirement that the  
42 work to be performed under the contract shall ensure that  
43 employment and other economic opportunities generated by the  
44 redevelopment project shall, to the greatest extent feasible, be  
45 directed to businesses that are located, and persons who reside,  
46 within the area determined to be in need of redevelopment or  
47 rehabilitation.

1 f. A notice of the availability of request for proposal  
2 documentation shall be published in an official newspaper of the  
3 municipality at least 30 days prior to the date established for the  
4 submission of proposals. Such notice shall provide the name,  
5 address, and phone number of the person who can provide  
6 additional information and a proposal document to an interested  
7 party. The municipality or redevelopment entity shall promptly  
8 reply to any request by an interested party by providing a copy of  
9 the request for proposals. The municipality or redevelopment entity  
10 may charge a fee for the proposal documentation that shall not  
11 exceed \$50 or the cost of reproducing the documentation,  
12 whichever is greater.

13 g. Each interested potential redeveloper shall submit a proposal  
14 which shall include all the information required by the request for  
15 proposals. Failure to meet the requirements of the request for  
16 proposals may result in the municipality or redevelopment entity  
17 disqualifying the potential redeveloper from further consideration.

18 h. The municipality or redevelopment entity shall review and  
19 evaluate all proposals only in accordance with the methodology  
20 described in the request for proposals. The review shall be  
21 conducted in a manner that avoids disclosure of the contents of any  
22 proposal prior to the selection of a redeveloper. The municipality  
23 or redevelopment entity may conduct discussions with a potential  
24 redeveloper submitting a proposal for the purpose of clarifying the  
25 information submitted in the proposal. The municipality or  
26 redevelopment entity may at any time revise its proposal document  
27 after the review of the submitted proposals if it notifies  
28 simultaneously, and in writing, each potential redeveloper that  
29 submitted a proposal of the revision and provides a uniform time  
30 within which the potential redevelopers may submit a revised  
31 proposal for review.

32 i. The municipality or redevelopment entity shall select the  
33 proposal that received the highest evaluation and shall negotiate an  
34 agreement with the potential redeveloper that submitted the selected  
35 proposal. If the municipality or redevelopment entity is unable to  
36 negotiate a satisfactory agreement with the potential redeveloper  
37 that submitted the selected proposal, it may select the proposal that  
38 received the second highest evaluation from among those submitted  
39 and proceed to negotiate a satisfactory contract with the potential  
40 redeveloper that submitted that proposal. The process shall  
41 continue until a redeveloper is selected or the process is abandoned  
42 by the municipality or redevelopment entity. The decision to  
43 abandon the proposal process shall be by a resolution adopted by  
44 the governing body of the municipality or redevelopment entity.

45 j. After a redeveloper has been selected and a satisfactory  
46 agreement has been negotiated, but prior to the execution of the  
47 agreement by the governing body or redevelopment entity, the

1 municipality or redevelopment entity shall prepare a report  
2 concerning the proposal selection process. The report shall list the  
3 names of all potential redevelopers who submitted a proposal and  
4 shall summarize the proposals of each potential redeveloper. The  
5 report shall contain objective, material reasons, such as, but not  
6 limited to, design, cost of materials, and square footage, as to why  
7 each potential redeveloper who was not selected, was rejected. The  
8 report shall (1) rank the potential redevelopers in order of  
9 evaluation; (2) summarize, in general terms, any unsuccessful  
10 negotiations with potential redevelopers that submitted proposals  
11 which were ranked higher than the proposal of the selected  
12 redeveloper; (3) recommend the selected redeveloper; and (4)  
13 summarize the project to be undertaken and the relevant terms of  
14 the proposed agreement. The municipal clerk shall make the report  
15 available to the members of the governing body of the municipality,  
16 to the members of the redevelopment entity when it is not the  
17 municipality, and to the public at least 48 hours prior to the  
18 introduction of an ordinance authorizing an agreement with the  
19 redeveloper.

20 k. The governing body of the municipality or redevelopment  
21 entity shall have the right to reject all proposals for any reason, but  
22 such reason must be given and the municipality shall not authorize  
23 another request for proposals concerning the same project or  
24 projects for a period of 30 days after the date of rejection or  
25 abandonment by the governing body.

26 l. Nothing in this section shall limit the authority of a  
27 municipality to convey property within a redevelopment area for  
28 nominal consideration to any of the entities designated in section 21  
29 of the "Local Lands and Buildings Law," P.L.1971, c.199  
30 (C.40A:12-21) for any of the uses set forth therein, and to enter into  
31 redevelopment agreements with such entities for such uses without  
32 complying with the provisions of this section.

33  
34 25. Section 1 of P.L.2004, c.140 (C.52:27D-287.1) is amended  
35 to read as follows:

36 1. The Commissioner of Community Affairs shall establish a  
37 rental assistance program for low income individuals or households.  
38 This program shall be in addition to and supplement any existing  
39 programs established pursuant to the "Prevention of Homelessness  
40 Act (1984)," P.L.1984, c.180 (C.52:27D-280 et al.).

41 a. The program shall provide rental assistance grants comparable  
42 to the federal section 8 program, but shall be available only to State  
43 residents who are not currently holders of federal section 8  
44 vouchers.

45 b. Assistance to an individual or household under the State  
46 program shall be terminated upon the award of federal section 8  
47 rental assistance to the same individual or household.

1 c. The program shall reserve a portion of the grants for  
2 assistance to senior citizens aged 62 or older who otherwise meet  
3 the criteria of subsection a. of this section.

4 d. The program shall reserve a portion of the grants for  
5 assistance to veterans who have successfully completed the  
6 Veterans Transitional Housing Program, or "Veterans Haven," a  
7 vocational and transitional housing program for homeless veterans  
8 administered by the New Jersey Department of Military and  
9 Veterans' Affairs.

10 e. (1) The program shall provide rental assistance, on a priority  
11 basis, to an individual or household that is on a fixed income and  
12 has been displaced because of a redevelopment project undertaken  
13 pursuant to the "Local Redevelopment and Housing Law,"  
14 P.L.1992, c.79 (C.40A:12A-1 et al.) for as long as the individual or  
15 household remains on fixed income.

16 (2) Notwithstanding maximum expenditure limitations contained  
17 in subsection a. of section 6 of P.L.1971, c.362 (C.20:4-6) to the  
18 contrary, to the extent rental assistance provided under that  
19 subsection is not adequate to allow a displaced individual or  
20 household to lease or rent a comparable replacement dwelling, the  
21 redeveloper or redevelopment entity of a redevelopment project  
22 responsible for displacing an individual or household shall hold the  
23 State harmless from incurring the cost of providing rental assistance  
24 under this subsection for a period not to exceed five years from the  
25 commencement of the occupancy of the new dwelling unit. The  
26 redeveloper or redevelopment entity shall, prior to any  
27 displacement, deposit with the Commissioner of Community  
28 Affairs the amount estimated by the commissioner to be necessary  
29 for this purpose.

30 (3) The Commissioner of Community Affairs shall adopt rules  
31 and regulations necessary to administer this program which shall  
32 include methodology to determine the amount a redeveloper or  
33 redevelopment entity shall deposit pursuant to this subsection and  
34 the maintenance of the priority list for individuals and households  
35 on fixed incomes displaced because of redevelopment projects.

36 (4) For the purposes of this subsection:

37 "Fixed income" means receiving no steady income other than  
38 through pension, social security, public assistance, or other  
39 government benefits, which income does not exceed the applicable  
40 moderate regional income limits established by the Council on  
41 Affordable Housing.

42 (cf: P.L.2007, c.237, s.1)

43  
44 26. (New section) Notwithstanding the provisions of any other  
45 law to the contrary:

46 a. A municipal redevelopment entity shall not: negotiate for, or  
47 enter into, a redevelopment agreement, other than an agreement

1 awarded pursuant to a fair and open process, with any redeveloper  
2 to perform any work under a redevelopment plan, if, beginning after  
3 the adoption of a memorializing resolution directing preliminary  
4 investigation to determine if a site is in need of redevelopment, that  
5 redeveloper has made a contribution that exceeds \$500 to any  
6 municipal committee of a political party in that municipality if a  
7 member of that political party is serving in an elective public office  
8 of that municipality when the contract is awarded or to any  
9 candidate committee of any person serving in an elective public  
10 office of that municipality when the contract is awarded.

11 b. No redeveloper described above who enters into a municipal  
12 redevelopment agreement to perform any work under a  
13 redevelopment plan shall make any of the aforesaid contributions  
14 during the term of any such redevelopment agreement.

15 c. None of the aforesaid committees shall accept a contribution  
16 in excess of the limits set forth above from such a redeveloper  
17 during the time periods set forth above.

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

24 e. If a redeveloper makes a contribution that would otherwise  
25 bar it from negotiating for or entering into a redevelopment  
26 agreement or makes a contribution during the term of a  
27 redevelopment agreement in violation of this section, the  
28 redeveloper may request a full reimbursement from the recipient  
29 and, if such reimbursement is received within 60 days thereafter,  
30 the redeveloper shall again be eligible to negotiate or enter into a  
31 redevelopment agreement or shall no longer be in violation, as  
32 appropriate.

33 f. Prior to entering into such a redevelopment agreement, a  
34 redevelopment entity shall require the redeveloper with which the  
35 redevelopment agreement is to be entered into to provide a written  
36 certification that it has not made a contribution that would bar the  
37 execution of a redevelopment agreement pursuant to this section. A  
38 redeveloper shall have a continuing duty to report to the Election  
39 Law Enforcement Commission any contribution that constitutes a  
40 violation of this section that is made during the duration of a  
41 redevelopment agreement.

42 g. As used in this section:

43 "Fair and open process" means the process described in section  
44 24 of P.L. , c. (C. ) (pending before the Legislature as this  
45 bill) or, at a minimum, that the redevelopment agreement shall be:  
46 publicly advertised in newspapers or on the Internet website  
47 maintained by the public entity in sufficient time to give notice in

1 advance of the agreement; entered into under a process that  
2 provides for public solicitation of proposals or qualifications and  
3 entered into and disclosed under criteria established in writing by  
4 the public entity prior to the solicitation of proposals or  
5 qualifications; and publicly opened and announced when awarded.  
6 The decision of a public entity as to what constitutes a fair and open  
7 process shall be final; and

8 “Redeveloper” means any person, firm, corporation, or public  
9 body that negotiates for, or enters into, a redevelopment agreement  
10 with a municipal redevelopment entity for the redevelopment or  
11 rehabilitation of an area in need of redevelopment, or an area in  
12 need of rehabilitation, or any part thereof, or for any construction or  
13 other work forming a part of a redevelopment or rehabilitation  
14 project, and includes any principal who owns or controls more than  
15 10 percent of the profits or assets of a redeveloper or 10 percent of  
16 the stock in the case of a redeveloper that is a corporation for profit,  
17 as appropriate.

18  
19 27. (New section) If a court finds that any notice required to be  
20 sent by mail under the "Local Redevelopment and Housing Law,"  
21 P.L.1992, c.79 (C.40A:12A-1 et al.), was defective, the court may  
22 order all or certain redevelopment activities to be suspended until  
23 the defective notices have been remedied and the interests of the  
24 parties accommodated to the court's satisfaction. An affidavit  
25 executed by a municipal employee affirming that notices required to  
26 be posted under P.L. , c. (C. ) (pending before the Legislature  
27 as this bill) were duly posted shall protect a municipality from any  
28 challenge to the sufficiency of the posting of notices.

29  
30 28. Section 5 of P.L.1996, c.62 (C.55:19-24) is amended to read  
31 as follows:

32 5. The authority shall have the following powers:

33 a. to sue and be sued;

34 b. to have a seal and alter the same at the authority's pleasure;

35 c. to enter into contracts upon such terms and conditions as the  
36 authority shall determine to be reasonable, including, but not  
37 limited to, reimbursement for the planning, designing, financing,  
38 construction, reconstruction, improvement, equipping, furnishing,  
39 operation and maintenance of the project and to pay or compromise  
40 any claims arising therefrom;

41 d. to make and alter bylaws for its organization and internal  
42 management and, subject to agreements with noteholders or  
43 bondholders, to make rules and regulations with respect to its  
44 projects, operations, properties and facilities;

45 e. to invest any funds held in reserve or sinking funds, or any  
46 moneys not required for immediate use and disbursement, at the  
47 discretion of the authority, in obligations of this State or of the



- 1 United States, or obligations the principal and interest of which are  
2 guaranteed by this State or the United States;
- 3 f. to sell, lease, assign, transfer, convey, exchange, mortgage, or  
4 otherwise dispose of or encumber any project, and in the case of the  
5 sale of any project, to accept a purchase money mortgage in  
6 connection therewith; and to lease, repurchase or otherwise acquire  
7 and hold any project which the corporation has theretofore sold,  
8 leased or otherwise conveyed, transferred or disposed of;
- 9 g. to acquire or contract to acquire from any individual,  
10 partnership, trust, association or corporation, or any public agency,  
11 by grant, purchase or otherwise, real or personal property or any  
12 interest therein; to own, hold, clear, improve, rehabilitate and  
13 develop, and to sell, assign, exchange, transfer, convey, lease,  
14 mortgage or otherwise dispose of or encumber the same;
- 15 h. to acquire in the name of the authority by purchase or  
16 otherwise, on such terms and conditions and such manner as it may  
17 deem proper any lands or interests therein or other property which it  
18 may determine is reasonably necessary for any project;
- 19 i. to acquire, construct, reconstruct, rehabilitate, improve, alter  
20 or repair or provide for construction, reconstruction, rehabilitation,  
21 improvement, alteration or repair of any project;
- 22 j. to arrange or contract with a municipality for the planning,  
23 replanning, opening, grading or closing of streets, roads, roadways,  
24 alleys or other places, or for the furnishing of facilities or for the  
25 acquisition by a municipality of property or property rights or for  
26 the furnishing of property or services, in connection with a project;
- 27 k. to grant options to purchase any project or to renew any  
28 leases entered into by it in connection with any of its projects, on  
29 such terms and conditions as it may deem advisable;
- 30 l. to prepare or cause to be prepared plans, specifications,  
31 designs and estimates of costs for the construction, reconstruction,  
32 rehabilitation, improvement, alteration or repair of any project, and  
33 from time to time to modify such plans, specifications, designs or  
34 estimates;
- 35 m. to manage any project, whether then owned or leased by the  
36 authority, and to enter into agreements with any individual,  
37 partnership, trust, association or corporation, or with any public  
38 agency, for the purpose of causing any project to be managed;
- 39 n. to hold any property owned or acquired by the authority in the  
40 name of the authority;
- 41 o. to provide advisory, consultative, training and educational  
42 services, technical assistance and advice to any individual,  
43 partnership, trust, association or corporation, or to any public  
44 agency, in order to carry out the purposes of P.L.1996, c.62  
45 (C.55:19-20 et al.);
- 46 p. to issue, purchase, pledge and sell stock in projects of the  
47 authority and to purchase, sell or pledge the shares, or other

- 1 obligations or securities of any subsidiary corporation, on such  
2 terms and conditions as the authority or subsidiary corporation may  
3 deem advisable;
- 4 q. subject to the provisions of any contract with noteholders, to  
5 consent to the modification, with respect to rate of interest, time of  
6 payment or any installment of principal or interest, security, or any  
7 other terms, of any loan, mortgage, commitment, contract or  
8 agreement of any kind to which the authority is a party;
- 9 r. in connection with any property on which it has made a  
10 mortgage loan, to foreclose on the property or commence any action  
11 to protect or enforce any right conferred upon it by any law,  
12 mortgage, contract or other agreement, and to bid for or purchase  
13 the property at any foreclosure or at any other sale, or acquire or  
14 take possession of the property; and in such event the authority  
15 may complete, administer, pay the principal of and interest on any  
16 obligations incurred in connection with the property, dispose of and  
17 otherwise deal with the property, in such manner as may be  
18 necessary or desirable to protect the interests of the authority  
19 therein;
- 20 s. to acquire, purchase, manage and operate, hold and dispose of  
21 real and personal property or interests therein, take assignments of  
22 rentals and leases and make and enter into all contracts, leases,  
23 agreements and arrangements necessary or incidental to the  
24 performance of its duties;
- 25 t. to purchase, acquire and take assignments of notes, mortgages  
26 and other forms of security and evidences of indebtedness;
- 27 u. to extend credit or make loans to any person for the planning,  
28 designing, acquiring, constructing, reconstructing, improving,  
29 equipping and furnishing of a project, which credits or loans may be  
30 secured by loan and security agreements, mortgages, leases and any  
31 other instruments, upon such terms and conditions as the authority  
32 shall deem reasonable, including provision for the establishment  
33 and maintenance of reserve and insurance funds, and to require the  
34 inclusion in any mortgage, lease, contract, loan and security  
35 agreement or other instrument, such provisions for the construction,  
36 use, operation and maintenance and financing of a project as the  
37 authority may deem necessary or desirable;
- 38 v. to borrow money, secure credit against the assets of the  
39 authority on a temporary, short-term, interim or long-term basis and  
40 to issue bonds of the authority and to provide for the rights of the  
41 holders thereof, as provided in P.L.1996, c.62 (C.55:19-20 et al.);
- 42 w. to make short-term loans or advances to developers for  
43 construction in anticipation of the issuance of permanent loans;
- 44 x. to exercise sole authority for investment, reinvestment or  
45 expenditure of its revenues, fund balances and appropriations  
46 consistent with the purposes of P.L.1996, c.62 (C.55:19-20 et al.)  
47 on projects and investments utilizing revenues from the sale of

- 1 revenue bonds, which projects shall be subject to the approval of  
2 the State Treasurer, and the Treasurer's actions shall be based solely  
3 on his fiduciary role to ensure that all applicable federal and State  
4 tax laws are adhered to regarding the investment of bond funds;
- 5 y. notwithstanding any law to the contrary, and upon resolution  
6 of the municipal governing body, to act as the redevelopment  
7 agency of any municipality in which there is not established a  
8 redevelopment agency pursuant to subsection a. of section 11 of  
9 P.L.1992, c.79 (C.40A:12A-11) and which is not precluded from  
10 establishing such an agency;
- 11 z. in connection with any application for assistance under  
12 P.L.1996, c.62 (C.55:19-20 et al.) or commitments therefor, to  
13 require and collect such fees and charges as the authority shall  
14 determine to be reasonable;
- 15 aa. to establish, levy and collect, in connection with any civic  
16 project or utilities project managed or operated by the authority,  
17 whether then owned or leased by the authority, user fees and facility  
18 charges;
- 19 bb. to procure insurance against any loss in connection with its  
20 property and other assets and operations, in such amounts and from  
21 such insurers as it deems desirable;
- 22 cc. to employ consulting engineers, architects, attorneys, real  
23 estate counselors, appraisers, and such other consultants and  
24 employees as may be required in the judgment of the authority to  
25 carry out the purposes of the act, and to fix and pay their  
26 compensation from funds available to the authority therefor, all  
27 without regard to the provisions of Title 11A, Civil Service, of the  
28 New Jersey Statutes;
- 29 dd. to contract for, and to accept, any gifts or grants or loans of  
30 funds or property or financial or other aid in any form from the  
31 federal government or any agency or instrumentality thereof, or  
32 from the State or a municipality or any agency or instrumentality  
33 thereof, or from any other source, and, subject to the provisions of  
34 P.L.1996, c.62 (C.55:19-20 et al.) and any other applicable law, to  
35 comply with the terms and conditions thereof;
- 36 ee. to create subsidiary corporations as provided in section 8 of  
37 P.L.1996, c.62 (C.55:19-27);
- 38 ff. to assist municipalities, counties, public or private county and  
39 municipal development agencies, district management corporations  
40 created pursuant to section 4 of P.L.1972, c.134 (C.40:56-68),  
41 community action boards established pursuant to section 4 of  
42 P.L.1991, c.51 (C.52:27D-398), or sponsors of neighborhood  
43 empowerment organizations, in formulating and implementing  
44 community redevelopment plans, which shall include, but not be  
45 limited to, neighborhood restoration, residential development, and  
46 industrial and commercial development;

1       gg. to fund, or assist in funding, community redevelopment  
2 projects by municipalities, counties, public or private county and  
3 municipal development agencies, district management corporations  
4 created pursuant to section 4 of P.L.1972, c.134 (C.40:56-68),  
5 community action boards established pursuant to section 4 of  
6 P.L.1991, c.51 (C.52:27D-398), or sponsors of neighborhood  
7 empowerment organizations, which shall include, but not be limited  
8 to, direct loan assistance, including loan guarantees, procuring  
9 capital from private developers and lending institutions, and  
10 facilitating access to State, federal, and private sources of loans or  
11 grants, including, but not limited to, the New Jersey Economic  
12 Development Authority and the Casino Redevelopment Authority;

13       hh. to assist in providing access to support services, including  
14 technical assistance and job training programs, for projects  
15 developed in connection with comprehensive community  
16 redevelopment plans and neighborhood empowerment programs  
17 established pursuant to this act;

18       ii. to provide assistance to urban areas in attracting industrial  
19 and commercial projects, in rehabilitating existing industrial and  
20 commercial facilities to restore them to productive use through the  
21 establishment of marketing programs and incentive programs;

22       jj. to assist in facilitating the work of the Office of  
23 Neighborhood Empowerment established pursuant to this act, which  
24 assistance shall include, but not be limited to, providing  
25 professional or technical expertise and funding for the  
26 establishment and implementation of neighborhood empowerment  
27 plans developed pursuant to this act;

28       kk. to enter into partnerships with private developers, the New  
29 Jersey Economic Development Authority or any other public entity,  
30 for the purpose of community redevelopment, and establish fees  
31 therefor;

32       ll. to enter into agreements with municipalities or counties  
33 regarding projects to be financed through the use of payment in lieu  
34 of taxes, as provided for in section 33 of P.L.1996, c.62 (C.55:19-  
35 52); **[and]**

36       mm. to do any and all things necessary or convenient to carry  
37 out its purposes and exercise the powers given and granted in  
38 P.L.1996, c.62 (C.55:19-20 et al.); and

39       nn. to have all of the powers and authority of the Smart Growth  
40 Ombudsman under P.L.2004, c.89 (C.52:27D-10.2 et al.), that are  
41 necessary to facilitate and expedite the review and approval of  
42 permits in areas determined to be in need of redevelopment  
43 pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.).

44 (cf: P.L.1996, c.62, s.5)

45  
46       29. R.S.40:8-1 is amended to read as follows:

1       40:8-1. The governing body of any county and the governing  
2 body of any municipality, or either of them, may acquire by gift,  
3 grant, purchase, condemnation or in any other lawful manner real  
4 estate or any right or interest therein for airport purposes and so use  
5 lands theretofore acquired for other public purposes and being used  
6 for airport purposes and erect thereon and maintain buildings for the  
7 airport purposes, except that no county, municipality, school  
8 district, or their agencies, shall acquire by condemnation any  
9 airport, or property bordering an airport, that has had its  
10 development rights purchased under section 11 of P.L.1983, c.264  
11 (C.6:1-95), or any other law, or any property bordering an airport  
12 that is within the confines of a New Jersey Department of  
13 Transportation approved Master Plan, or an airport safety zone, as  
14 defined in section 3 of the "Air Safety and Zoning Act of 1983,"  
15 P.L.1983, c.260 (C.6:1-82).

16       Upon such acquisition or use, the governing body of any county  
17 and the governing body of any municipality, or either of them, may  
18 lease the real estate, so acquired, with or without consideration to  
19 the state of New Jersey, or any agency thereof, or may lease it to  
20 any person for such consideration and for such term of years as may  
21 be agreed upon.

22       (cf: R.S.40:8-1)

23

24       30. Section 12 of P.L.1991, c.431 (C.40A:20-12) is amended to  
25 read as follows:

26       12. The rehabilitation or improvements made in the  
27 development or redevelopment of a redevelopment area or area  
28 appurtenant thereto or for a redevelopment relocation housing  
29 project, pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.), shall be  
30 exempt from taxation for a limited period as hereinafter provided.  
31 When housing is to be constructed, acquired or rehabilitated by an  
32 urban renewal entity, the land upon which that housing is situated  
33 shall be exempt from taxation for a limited period as hereinafter  
34 provided. The exemption shall be allowed when the clerk of the  
35 municipality wherein the property is situated shall certify to the  
36 municipal tax assessor that a financial agreement with an urban  
37 renewal entity for the development or the redevelopment of the  
38 property, or the provision of a redevelopment relocation housing  
39 project, or the provision of a low and moderate income housing  
40 project has been entered into and is in effect as required by  
41 P.L.1991, c.431 (C.40A:20-1 et seq.).

42       Delivery by the municipal clerk to the municipal tax assessor of  
43 a certified copy of the ordinance of the governing body approving  
44 the tax exemption and financial agreement with the urban renewal  
45 entity shall constitute the required certification. For each  
46 exemption granted pursuant to P.L.2003, c.125 (C.40A:12A-4.1 et  
47 al.), upon certification as required hereunder, the tax assessor shall

1 implement the exemption and continue to enforce that exemption  
2 without further certification by the clerk until the expiration of the  
3 entitlement to exemption by the terms of the financial agreement or  
4 until the tax assessor has been duly notified by the clerk that the  
5 exemption has been terminated.

6 Upon the adoption of a financial agreement pursuant to  
7 P.L.1991, c.431 (C.40A:20-1 et seq.), a certified copy of the  
8 ordinance of the governing body approving the tax exemption and  
9 the financial agreement with the urban renewal entity shall  
10 forthwith be transmitted to the Director of the Division of Local  
11 Government Services. The governing body also shall post  
12 information concerning the financial agreement, and the tax  
13 exemption granted thereunder, on its official Internet web site, if  
14 any, along with similar information concerning every other  
15 financial agreement in effect in the municipality, in a form as  
16 determined appropriate through rule and regulation of the director.  
17 A database of financial agreements in effect throughout the State,  
18 including details identifying the parties, the effective dates, the  
19 amounts of the exemptions granted, and the amount of any service  
20 charges also shall be published electronically by the director on the  
21 Internet web site of the Department of Community Affairs, to the  
22 extent that those data are available.

23 Whenever an exemption status changes during a tax year, the  
24 procedure for the apportionment of the taxes for the year shall be  
25 the same as in the case of other changes in tax exemption status  
26 during the tax year. Tax exemptions granted pursuant to P.L.2003,  
27 c.125 (C.40A:12A-4.1 et al.) represent long term financial  
28 agreements between the municipality and the urban renewal entity  
29 and as such constitute a single continuing exemption from local  
30 property taxation for the duration of the financial agreement. The  
31 validity of a financial agreement or any exemption granted pursuant  
32 thereto may be challenged only by filing an action in lieu of  
33 prerogative writ within 20 days from the publication of a notice of  
34 the adoption of an ordinance by the governing body granting the  
35 exemption and approving the financial agreement. Such notice  
36 shall be published in a newspaper of general circulation in the  
37 municipality and in a newspaper of general circulation in the county  
38 if different from the municipal newspaper.

39 a. The duration of the exemption for urban renewal entities shall  
40 be as follows: for all projects, a term of not more than 30 years  
41 from the completion of the entire project, or unit of the project if  
42 the project is undertaken in units, or not more than 35 years from  
43 the execution of the financial agreement between the municipality  
44 and the urban renewal entity.

45 b. During the term of any exemption, in lieu of any taxes to be  
46 paid on the buildings and improvements of the project and, to the  
47 extent authorized pursuant to this section, on the land, the urban

1 renewal entity shall make payment to the municipality of an annual  
2 service charge, which shall remit a portion of that revenue to the  
3 county as provided hereinafter. In addition, the municipality may  
4 assess an administrative fee, not to exceed two percent of the annual  
5 service charge, for the processing of the application. The annual  
6 service charge for municipal services supplied to the project to be  
7 paid by the urban renewal entity for any period of exemption, shall  
8 be determined as follows:

9 (1) An annual amount equal to a percentage determined pursuant  
10 to this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11),  
11 of the annual gross revenue from each unit of the project, if the  
12 project is undertaken in units, or from the total project, if the project  
13 is not undertaken in units. The percentage of the annual gross  
14 revenue shall not be more than 15% in the case of a low and  
15 moderate income housing project, nor less than 10% in the case of  
16 all other projects.

17 At the option of the municipality, or where because of the nature  
18 of the development, ownership, use or occupancy of the project or  
19 any unit thereof, if the project is to be undertaken in units, the total  
20 annual gross rental or gross shelter rent or annual gross revenue  
21 cannot be reasonably ascertained, the governing body shall provide  
22 in the financial agreement that the annual service charge shall be a  
23 sum equal to a percentage determined pursuant to this subsection  
24 and section 11 of P.L.1991, c.431 (C.40A:20-11), of the total  
25 project cost or total project unit cost determined pursuant to  
26 P.L.1991, c.431 (C.40A:20-1 et seq.) calculated from the first day  
27 of the month following the substantial completion of the project or  
28 any unit thereof, if the project is undertaken in units. The  
29 percentage of the total project cost or total project unit cost shall not  
30 be more than 2% in the case of a low and moderate income housing  
31 project, and shall not be less than 2% in the case of all other  
32 projects.

33 (2) In either case, the financial agreement shall establish a  
34 schedule of annual service charges to be paid over the term of the  
35 exemption period, which shall be in stages as follows:

36 (a) For the first stage of the exemption period, which shall  
37 commence with the date of completion of the unit or of the project,  
38 as the case may be, and continue for a time of not less than six years  
39 nor more than 15 years, as specified in the financial agreement, the  
40 urban renewal entity shall pay the municipality an annual service  
41 charge for municipal services supplied to the project in an annual  
42 amount equal to the amount determined pursuant to paragraph (1) of  
43 this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11).  
44 For the remainder of the period of the exemption, if any, the annual  
45 service charge shall be determined as follows:

46 (b) For the second stage of the exemption period, which shall not  
47 be less than one year nor more than six years, as specified in the

1 financial agreement, an amount equal to either the amount  
2 determined pursuant to paragraph (1) of this subsection and section  
3 11 of P.L.1991, c.431 (C.40A:20-11), or 20% of the amount of  
4 taxes otherwise due on the value of the land and improvements,  
5 whichever shall be greater;

6 (c) For the third stage of the exemption period, which shall not  
7 be less than one year nor more than six years, as specified in the  
8 financial agreement, an amount equal to either the amount  
9 determined pursuant to paragraph (1) of this subsection and section  
10 11 of P.L.1991, c.431 (C.40A:20-11), or 40% of the amount of  
11 taxes otherwise due on the value of the land and improvements,  
12 whichever shall be greater;

13 (d) For the fourth stage of the exemption period, which shall not  
14 be less than one year nor more than six years, as specified in the  
15 financial agreement, an amount equal to either the amount  
16 determined pursuant to paragraph (1) of this subsection and section  
17 11 of P.L.1991, c.431 (C.40A:20-11), or 60% of the amount of  
18 taxes otherwise due on the value of the land and improvements,  
19 whichever shall be greater; and

20 (e) For the final stage of the exemption period, the duration of  
21 which shall not be less than one year and shall be specified in the  
22 financial agreement, an amount equal to either the amount  
23 determined pursuant to paragraph (1) of this subsection and section  
24 11 of P.L.1991, c.431 (C.40A:20-11), or 80% of the amount of  
25 taxes otherwise due on the value of the land and improvements,  
26 whichever shall be greater.

27 If the financial agreement provides for an exemption period of  
28 less than 30 years from the completion of the entire project, or less  
29 than 35 years from the execution of the financial agreement, the  
30 financial agreement shall set forth a schedule of annual service  
31 charges for the exemption period which shall be based upon the  
32 minimum service charges and staged adjustments set forth in this  
33 section.

34 The annual service charge shall be paid to the municipality on a  
35 quarterly basis in a manner consistent with the municipality's tax  
36 collection schedule.

37 Each municipality which enters into a financial agreement on or  
38 after the effective date of P.L.2003, c.125 (C.40A:12A-4.1 et al.)  
39 shall remit 5 percent of the annual service charge to the county  
40 upon receipt of that charge in accordance with the provisions of this  
41 section.

42 Against the annual service charge the urban renewal entity shall  
43 be entitled to credit for the amount, without interest, of the real  
44 estate taxes on land paid by it in the last four preceding quarterly  
45 installments.

46 Notwithstanding the provisions of this section or of the financial  
47 agreement, the minimum annual service charge shall be the amount



1 of the total taxes levied against all real property in the area covered  
2 by the project in the last full tax year in which the area was subject  
3 to taxation, and the minimum annual service charge shall be paid in  
4 each year in which the annual service charge calculated pursuant to  
5 this section or the financial agreement would be less than the  
6 minimum annual service charge.

7 c. All exemptions granted pursuant to the provisions of  
8 P.L.1991, c.431 (C.40A:20-1 et seq.) shall terminate at the time  
9 prescribed in the financial agreement.

10 Upon the termination of the exemption granted pursuant to the  
11 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.), the project, all  
12 affected parcels, land and all improvements made thereto shall be  
13 assessed and subject to taxation as are other taxable properties in  
14 the municipality. After the date of termination, all restrictions and  
15 limitations upon the urban renewal entity shall terminate and be at  
16 an end upon the entity's rendering its final accounting to and with  
17 the municipality.

18 (cf: P.L.2003, c.125, s.11)

19  
20 31. Section 3 of P.L.2004, c.140 (C.52:27D-287.3) is amended  
21 to read as follows:

22 3. The commissioner shall annually allocate from the receipts of  
23 the portion of the realty transfer fee directed to be credited to the  
24 Neighborhood Preservation Nonlapsing Revolving Fund pursuant to  
25 section 4 of P.L.1968, c.49 (C.46:15-8) and pursuant to section 4 of  
26 P.L.1975, c.176 (C.46:15-10.1) such amounts as may be necessary  
27 to fund rental assistance grants authorized by P.L.2004, c.140  
28 (C.52:27D-287.1 et al.), provided that not less than \$3 million be  
29 annually allocated for the purposes of subsection c. of section 1 of  
30 P.L.2004, c.140 (C.52:27D-287.1) and not less than \$7 million be  
31 annually allocated for the purposes of subsection a. and subsection  
32 d. of section 1 of P.L.2004, c.140 (C.52:27D-287.1) after subsection  
33 e. of section 1 of P.L.2004, c.140 (C.52:27D-287.1) has been fully  
34 funded.

35 (cf: P.L.2007, c.208, s.2)

36  
37 32. This act shall take effect on the first day of the fourth month  
38 next following enactment. Any final action taken by a municipality  
39 or redevelopment entity with respect to: a determination that an area  
40 is in need of redevelopment or in need of rehabilitation; enactment  
41 of a redevelopment plan; or designation of a redeveloper, or  
42 approval of a redevelopment agreement, prior to the effective date  
43 of this act shall have full force and effect, but any subsequent  
44 official action by the municipality or redevelopment entity after the  
45 effective date of this act shall be subject to its provisions.

## STATEMENT

This bill would amend the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), and the "Relocation Assistance Act," P.L.1971, c. 362 (C.20:4-1 et seq.). The bill seeks to balance concerns articulated by competing interest groups in order to:

- preserve the ability of municipalities to redevelop blighted areas;
- enhance the notice and hearing requirements afforded property owners and tenants under current law; and
- ensure just compensation and appropriate relocation benefits for property owners and tenants impacted by eminent domain and redevelopment projects.

Sections 1 and 2 of the bill would amend the "Eminent Domain Act of 1971" (EDA) to enhance the exchange of information between prospective condemnors and condemnees during the negotiations that must take place before a condemnor may take private property for a public purpose. Changes to these sections will apply to all condemnation proceedings under State law, not just those for redevelopment purposes. As amended, the bill would:

- require a condemnor to provide a prospective condemnee with a copy of the appraisal being used to determine the amount that the condemnor is offering to purchase the property;
- allow a condemnee to provide information to and raise issues with the condemnor's appraiser;
- require the appraiser to consider the condemnee's information and issues when estimating the fair market value of the property;
- require the appraiser to transmit the condemnee's information and issues, in writing, to the condemnor;
- require the appraisal to reflect value attributable to the location of the property;
- provide condemnees a 45-day period to review the offer (extendable up to 70 days total) with rights to:
  - request more information from the condemnor,
  - meet with a representative of the condemnor, and
  - obtain their own appraisals.

Sections 3 through 9 of the bill would increase benefits under the "Relocation Assistance Act" (RAA) by:

- clarifying that property owners whose properties are acquired (not just condemned) by public entities are entitled to relocation assistance;
- increasing relocation assistance (for the first time since 1971);
- enhancing rental assistance; and

- 1 • introducing automatic annual increases to statutory relocation  
2 assistance payment amounts to reflect inflation.

3 Section 10 amends the “Municipal Land Use Law,” P.L.1975,  
4 c.291 (C.40:55D-1 et seq.), to authorize, but not require, municipal  
5 master plans to contain a redevelopment plan element to identify  
6 redevelopment areas, rehabilitation areas and areas that may be  
7 designated for redevelopment or rehabilitation in the future in order  
8 to help link redevelopment planning with other municipal activities.

9 Sections 11 through 27 of the bill reform the “Local  
10 Redevelopment and Housing Law” (LRHL), allowing  
11 municipalities to continue to use eminent domain in order to  
12 redevelop blighted areas while establishing greater protections for  
13 property owners and others impacted by condemnations for  
14 redevelopment purposes. Under the bill a municipality willing to  
15 redevelop a blighted area without using eminent domain would  
16 follow procedures similar to those under current law. A  
17 municipality intending to use eminent domain in order to redevelop  
18 a blighted area would follow a procedure providing those who  
19 would be affected by a redevelopment project with enhanced notice  
20 and greater opportunity to express their concerns.

21 Section 11 amends N.J.S.A. 40A:12A-3, the definitional section  
22 of the LRHL. In addition to some technical changes, this section  
23 would prohibit a taking agency from utilizing eminent domain to  
24 take lands and buildings as part of a redevelopment area if the land  
25 or building is not detrimental to the public health, safety, or  
26 welfare. All property condemned by a taking agency must be  
27 blighted. Current law does not cap the amount of non-blighted  
28 property a municipality may include in a redevelopment area.  
29 Section 11 also modifies the definition of “rehabilitation” to  
30 provide that the term includes the demolition of existing structures.

31 Section 12 (amending N.J.S.A. 40A:12A-4) contains a provision  
32 protecting certain farm land from condemnation for redevelopment  
33 purposes. This section also clarifies that property acquired for  
34 redevelopment purposes must be consistent with environmental  
35 restrictions set forth in other laws and property covenants.

36 Section 13 (amending N.J.S.A. 40A:12A-5) revises the criteria  
37 used to determine if an area is blighted. It adopts criteria that are  
38 consistent with the meaning of the term “blight” under the State  
39 Constitution, according to the New Jersey Supreme Court decision  
40 in *Gallenthin Realty Development, Inc. v. Borough of Paulsboro*,  
41 191 N.J. 344 (2007). The bill provides that a municipal governing  
42 body determination that an area is in need of redevelopment must  
43 conclude that:

- 44 • the deterioration or stagnation of the delineated area negatively  
45 affects surrounding properties because of a statutory blight  
46 criterion;

- 1 • the condition or conditions of blight are the prevailing
- 2 characteristics of the delineated area;
- 3 • each non-blighted parcel included within the delineated area is
- 4 necessary for the effective redevelopment of the area and is an
- 5 integral part of that area; and
- 6 • there is objective evidence of a statutory blight criterion within
- 7 the delineated area.

8 Several of the blight criteria contained in this section are  
9 changed. The bill deletes subsection h., the smart growth basis for  
10 blight, from the section. The bill adds a new basis for a blight  
11 determination, being contaminated property that has remained  
12 vacant or substantially underutilized for at least two years.

13 Sections 14 and 15 of the bill will allow a municipality two  
14 alternate ways to designate redevelopment areas depending upon  
15 whether the municipality wants to have the power to utilize eminent  
16 domain for redevelopment purposes in the area. Under section 14  
17 (amending N.J.S.A. 40A:12A-6), a *non-condemnation*  
18 *redevelopment area* (in which eminent domain could not be used)  
19 could be designated under procedures similar to those contained in  
20 current law. Under section 15, a municipality could designate a  
21 *condemnation redevelopment area* by following new procedures  
22 that provide greater notice and other transparency requirements than  
23 those contained under current law in order to ensure that property  
24 owners who could end up losing their property are afforded  
25 adequate notice of that possibility.

26 Section 15 codifies the Appellate Division decision in *Harrison*  
27 *Redev. Agency v. DeRose*, 398 *N.J. Super.* 361 (App. Div. 2008)  
28 which specified the “constitutionally-essential components” for  
29 notice under the LRHL. This section will clearly inform property  
30 owners that a condemnation area designation will place their  
31 property at risk of being taken for redevelopment purposes and will  
32 inform them of the time frame within which they can contest the  
33 designation. Additionally, this section affords greater protections  
34 than those required under *DeRose*. By requiring municipalities to  
35 file notices of blight determinations at county recording offices,  
36 potential purchasers of properties located in a condemnation  
37 redevelopment area will be made aware that the property is subject  
38 to being taken.

39 Section 16 provides that redevelopment area designations will  
40 lapse after a set period of time, dependent upon whether progress is  
41 being made toward redeveloping the area. Under this section,  
42 redevelopment area designations will not lapse as long as work is  
43 ongoing.

44 Section 17 amends N.J.S.A. 40A:12A-7 to expand the scope of  
45 redevelopment plans to identify the benefits and costs that can be  
46 envisioned through the redevelopment of the area. In addition to an  
47 analysis of the land use controls, a redevelopment plan would be

1 required to contain an inventory of environmental, historical and  
2 cultural assets within the redevelopment area, together with  
3 preservation and conservation strategies for such assets.  
4 Additionally, the redevelopment plan would need to quantify the  
5 impact of the plan on surrounding areas and the legal obligations  
6 applicable to low and moderate income persons within the  
7 municipality and the relocation needs arising from any displacement  
8 of residents or businesses as a result of the plan. A redevelopment  
9 plan would estimate the number of jobs, temporary and permanent,  
10 that will be available to low and moderate income residents of the  
11 redevelopment area. A redevelopment plan would also need to  
12 document consistency with smart growth planning principles.

13 Section 18 details numerous steps to enhance the transparency of  
14 the adoption of redevelopment plans in condemnation  
15 redevelopment areas, addressing issues such as notice and hearings  
16 and affording both affected residents and the general public the  
17 opportunity to inspect proposed redevelopment plans.

18 Section 19 amends N.J.S.A. 40A:12A-8 to require  
19 redevelopment entities to offer relocation assistance to people and  
20 businesses in a redevelopment area prior to subjecting them to  
21 safety risks. This section would also limit the period of time within  
22 which property may be acquired by condemnation under the LRHL  
23 to five years from the adoption of the redevelopment plan for a  
24 condemnation redevelopment area or five years of an amendment or  
25 revision thereto; and

26 Section 20 provides that the Department of Community Affairs  
27 must annually issue a report on the use of redevelopment in New  
28 Jersey.

29 Section 21 ensures that owners whose properties are taken for  
30 redevelopment projects are fairly compensated and limits the use of  
31 eminent domain for redevelopment purposes. This section:

- 32 • specifies that properties acquired for redevelopment must be  
33 valued at no less than the replacement value of the property;
- 34 • provides that “non-blighted” property included in a  
35 condemnation redevelopment area could only be condemned if  
36 the condemnor certifies that it has exhausted all avenues to  
37 acquire the property, that acquisition of the property cannot be  
38 negotiated despite its best efforts, and that the property is  
39 necessary to the viability of the redevelopment project; and
- 40 • bestows upon every resident and small business operator  
41 displaced because of redevelopment, a right of first refusal to  
42 purchase or lease property in the redevelopment area post-  
43 development.

44 Sections 22 and 23 amend N.J.S.A 40A:12A-14 and N.J.S.A.  
45 40A:12A-15 by expanding the criteria for areas in need of  
46 rehabilitation. These changes will permit certain property to be  
47 designated an area in need of rehabilitation if it would be qualified

1 for designation as an area in need of redevelopment under current  
2 law, but will no longer qualify for redevelopment area designation  
3 under the terms of the bill, as amended.

4 Section 24 sets forth a process for selecting redevelopers for  
5 large redevelopment projects.

6 Sections 25 and 31 of the bill provide that persons living on  
7 fixed incomes who are displaced because of a redevelopment  
8 project would be entitled to receive State rental assistance on a  
9 priority basis.

10 Section 26 bans certain contributions by redevelopers from the  
11 onset of the redevelopment process to the completion of the  
12 redevelopment agreement.

13 Section 27 provides that if a court finds any mailed notice  
14 required under the LRHL to be defective, the court may order all or  
15 certain redevelopment activities suspended until the defect is  
16 remedied. This section also protects municipalities from challenges  
17 based on a failure to properly post notices so long as a municipal  
18 employee affirms that notices were duly posted

19 Section 28 provides the New Jersey Redevelopment Authority  
20 with all the powers and authority of the smart growth ombudsman  
21 necessary to facilitate and expedite permits in redevelopment areas.

22 Section 29 protects certain airports from eminent domain.

23 Section 30 amends N.J.S.A. 40A:20-12 to establish a reporting  
24 requirement for financial agreements and tax exemptions granted  
25 under the "Long Term Tax Exemption Law."

26 Section 32, the bill's effective date, "grandfathers in" existing  
27 redevelopment activities to the extent they have matured. Final  
28 actions taken under current law before the 1st day of the 4th month  
29 after the bill is signed, such as designation of a redevelopment area,  
30 adoption of a redevelopment plan or execution of a redevelopment  
31 agreement, would remain valid and be given full force and effect.  
32 Future actions would be subject to the provisions of the bill, as  
33 amended by the committee.