

SENATE, No. 771

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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

3

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

6

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

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

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

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

44 j. As used in this section:

45 “Redeveloper” means any person, firm, corporation, or public
46 body that negotiates for, or enters into, a redevelopment agreement
47 with a State, county, or municipal redevelopment entity for the

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

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

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

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

41

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

44 5. A delineated area may be determined to be in need of
45 redevelopment if, after investigation, notice and hearing as provided
46 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body

- 1 of the municipality by **【resolution】** ordinance concludes that within
2 the delineated area any of the 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 b. The discontinuance of the use of buildings previously used
8 for commercial, manufacturing, or industrial purposes; the
9 abandonment of such buildings; or the same being allowed to fall
10 into so great a state of disrepair as to be untenable.
- 11 c. Land that is owned by the municipality, the county, a local
12 housing authority, redevelopment agency or redevelopment entity,
13 or unimproved vacant land that has remained so for a period of ten
14 years prior to adoption of the **【resolution】** ordinance, and that by
15 reason of its location, remoteness, lack of means of access to
16 developed sections or portions of the municipality, or topography,
17 or nature of the soil, is not likely to be developed through the
18 instrumentality of private capital.
- 19 d. Areas with buildings or improvements which, by reason of
20 dilapidation, obsolescence, overcrowding, faulty arrangement or
21 design, lack of ventilation, light and sanitary facilities, excessive
22 land coverage, deleterious land use or obsolete layout, or any
23 combination of these or other factors, are detrimental to the safety,
24 health, morals, or welfare of the community.
- 25 e. A growing lack or total lack of proper utilization of areas
26 caused by the condition of the title, diverse ownership of the real
27 property therein or other conditions, resulting in a stagnant or not
28 fully productive condition of land potentially useful and valuable
29 for contributing to and serving the public health, safety and welfare.
- 30 f. Areas, in excess of five contiguous acres, whereon buildings
31 or improvements have been destroyed, consumed by fire,
32 demolished or altered by the action of storm, fire, cyclone, tornado,
33 earthquake or other casualty in such a way that the aggregate
34 assessed value of the area has been materially depreciated.
- 35 g. **【In any municipality in which an enterprise zone has been**
36 **designated pursuant to the "New Jersey Urban Enterprise Zones**
37 **Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the**
38 **actions prescribed in that act for the adoption by the municipality**
39 **and approval by the New Jersey Urban Enterprise Zone Authority**
40 **of the zone development plan for the area of the enterprise zone**
41 **shall be considered sufficient for the determination that the area is**
42 **in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,**
43 **c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax**
44 **exemptions within the enterprise zone district pursuant to the**
45 **provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption**
46 **of a tax abatement and exemption ordinance pursuant to the**
47 **provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The**

1 municipality shall not utilize any other redevelopment powers
2 within the urban enterprise zone unless the municipal governing
3 body and planning board have also taken the actions and fulfilled
4 the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)
5 for determining that the area is in need of redevelopment or an area
6 in need of rehabilitation and the municipal governing body has
7 adopted a redevelopment plan ordinance including the area of the
8 enterprise zone.】 (Deleted by amendment, P.L. , c. .) (Pending
9 before the Legislature as this bill.)

10 h. 【The designation of the delineated area is consistent with
11 smart growth planning principles adopted pursuant to law or
12 regulation.】 (Deleted by amendment, P.L. , c. .) (Pending
13 before the Legislature as this bill.)
14 (cf: P.L.2003, c.125, s.3)
15

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

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

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

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

37 (3) The hearing notice shall set forth the general boundaries of
38 the area to be investigated and state that a map has been prepared
39 and can be inspected at the office of the municipal clerk. A copy of
40 the notice shall be published in a newspaper of general circulation
41 in the municipality once each week for two consecutive weeks, and
42 the last publication shall be not less than ten days prior to the date
43 set for the hearing. A copy of the notice shall be **【mailed】**
44 delivered personally or by certified mail, return receipt requested, at
45 least ten days prior to the date set for the hearing to the last owner,
46 if any, of each parcel of property lying within a radius of 200 feet
47 beyond the boundaries of the area according to the assessment

1 records of the municipality. A notice shall also be sent to all
2 persons at their last known address, if any, whose names are noted
3 on the assessment records as claimants of an interest in any such
4 parcel. Notice shall further be given on the official municipal
5 Internet web site, if the municipality maintains one, at least 10 days
6 prior to the hearing. The notice shall be provided in the manner
7 prescribed by section 7.1 of P.L.1975, c.291 (C.40:55D-12), and
8 shall specifically state that interested parties may file written
9 testimony which shall be made a part of the record of the hearing.
10 The assessor of the municipality shall make a notation upon the
11 records when requested to do so by any person claiming to have an
12 interest in any parcel of property in the municipality. The notice
13 shall be published and mailed by the municipal clerk, or by such
14 clerk or official as the planning board shall otherwise designate.
15 Failure to mail any such notice shall **[not]** invalidate the
16 investigation or determination thereon.

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

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

1 determination, upon each person who filed a written objection
2 thereto and stated, in or upon the written submission, an address to
3 which notice of determination may be sent.

4 (6) If written objections were filed in connection with the
5 hearing, the municipality shall, for 45 days next following its
6 determination to which the objections were filed, take no further
7 action to acquire any property by condemnation within the
8 redevelopment area.

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

16 c. An area determined to be in need of redevelopment pursuant
17 to this section shall be deemed to be a "blighted area" for the
18 purposes of Article VIII, Section III, paragraph 1 of the
19 Constitution. If an area is determined to be a redevelopment area
20 and a redevelopment plan is adopted for that area in accordance
21 with the provisions of this act, the municipality is authorized to
22 utilize all those powers provided in section 8 of P.L.1992, c.79
23 (C.40A:12A-8).
24 (cf: P.L.2003, c.125, s.4)
25

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

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

35 The redevelopment plan shall include an outline for the planning,
36 development, redevelopment, or rehabilitation of the project area
37 sufficient to indicate:

38 (1) Its relationship to definite local objectives as to appropriate
39 land uses, density of population, and improved traffic and public
40 transportation, public utilities, recreational and community facilities
41 and other public improvements.

42 (2) Proposed land uses and building requirements in the project
43 area.

44 (3) Adequate provision for the temporary and permanent
45 relocation, as necessary, of residents in the project area, including
46 an estimate of the extent to which decent, safe and sanitary dwelling

1 units affordable to displaced residents will be available to them in
2 the existing local housing market.

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

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

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

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

31 d. All provisions of the redevelopment plan shall be either
32 substantially consistent with the municipal master plan or designed
33 to effectuate the master plan; but the municipal governing body may
34 adopt a redevelopment plan which is inconsistent with or not
35 designed to effectuate the master plan by affirmative vote of a
36 majority of its full authorized membership with the reasons for so
37 acting set forth in the redevelopment plan.

38 e. Prior to the adoption of a redevelopment plan, or revision or
39 amendment thereto, the planning board shall transmit to the
40 governing body, within 45 days after referral, a report containing its
41 recommendation concerning the redevelopment plan. This report
42 shall include an identification of any provisions in the proposed
43 redevelopment plan that are inconsistent with the master plan and
44 recommendations concerning these inconsistencies and any other
45 matters as the board deems appropriate. The governing body, when
46 considering the adoption of a redevelopment plan or revision or
47 amendment thereof, shall review the report of the planning board

1 and may approve or disapprove or change any recommendation by a
2 vote of a majority of its full authorized membership and shall
3 record in its minutes the reasons for not following the
4 recommendations. Failure of the planning board to transmit its
5 report within the required 45 days shall relieve the governing body
6 from the requirements of this subsection with regard to the pertinent
7 proposed redevelopment plan or revision or amendment thereof.
8 Nothing in this subsection shall diminish the applicability of the
9 provisions of subsection d. of this section with respect to any
10 redevelopment plan or revision or amendment thereof.

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

25 (2) The drafting of the redevelopment plan shall be subject to a
26 public hearing process conducted pursuant to the "Open Public
27 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). If the
28 governing body directs the planning board to prepare the
29 redemption plan pursuant to this subsection, the planning board
30 shall hold a public hearing on the plan prior to the vote on
31 recommending the redevelopment plan to the governing body. The
32 planning board shall also provide an opportunity for public input
33 during the preparation of the redevelopment plan. The notice for
34 any public meeting set forth in this section shall be provided in the
35 manner prescribed by section 7.1 of P.L.1975, c.291 (C.40:55D-12).
36 The redevelopment plan shall be available for public inspection in
37 the office of the planning board at least 10 days prior to the public
38 hearing which precedes the vote on recommendation of the plan. If
39 the municipal governing body prepares the redevelopment plan
40 itself, it shall conduct a public hearing on the document in
41 accordance with the requirements for adoption of an ordinance and
42 may hold a public hearing prior to ordering the plan's preparation.
43 (cf: P.L.1992, c.79, s.7)

44
45 5. Section 8 of P.L.1992, c.79 (40A:12A-8) is amended to read
46 as follows:

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

1 conduct a public hearing in accordance with the provisions of the
2 "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) to
3 consider the proposals of all entities seeking to be designated as the
4 redeveloper. Each candidate shall make a presentation to the
5 municipal governing body and respond to questions from all
6 interested parties. Public notice of the hearing shall be made in
7 accordance with the conditions required for a public hearing on an
8 ordinance, and shall be delivered personally or by certified mail,
9 return receipt requested, to all property owners whose properties lie
10 within a radius of 200 feet beyond the boundaries of the area
11 designated for redevelopment in the redevelopment plan. The vote
12 of the governing body to enter into a redevelopment agreement, as
13 defined in section 2 of P.L.1995, c.173 (40A:12A-51), shall also
14 require a public hearing in accordance with the conditions required
15 for hearing an ordinance, and shall include notice to all property
16 owners whose properties lie within a radius of 200 feet beyond the
17 boundaries of the area designated for redevelopment in the
18 redevelopment plan. All interested parties shall have the right to
19 question the redeveloper as well as provide input to the governing
20 body. Any amendment to the redevelopment agreement shall also
21 require a public hearing.

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

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

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

36 j. Make, consistent with the redevelopment plan: (1) plans for
37 carrying out a program of voluntary repair and rehabilitation of
38 buildings and improvements; and (2) plans for the enforcement of
39 laws, codes, and regulations relating to the use and occupancy of
40 buildings and improvements, and to the compulsory repair,
41 rehabilitation, demolition, or removal of buildings and
42 improvements.

43 k. Request that the planning board recommend and governing
44 body designate particular areas as being in need of redevelopment
45 or rehabilitation in accordance with the provisions of this act and
46 make recommendations for the redevelopment or rehabilitation of
47 such areas.

1 1. Study the recommendations of the planning board or
2 governing body for redevelopment of the area.

3 m. Publish and disseminate information concerning any
4 redevelopment area, plan or project.

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

7
8 6. This act shall take effect immediately.
9

10
11 STATEMENT
12

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

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

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

44 If a redeveloper inadvertently makes a contribution that would
45 otherwise bar it from receiving a redevelopment agreement or
46 makes a contribution during the term of a redevelopment agreement
47 in violation of the bill's provisions, the redeveloper may request a

1 full reimbursement from the recipient and, if such reimbursement is
2 received within 30 days after the date of the general election, the
3 redeveloper would again be eligible to receive a redevelopment
4 agreement or would no longer be in violation, as appropriate. It
5 will be presumed that contributions made within 60 days of a
6 primary or general election were not made inadvertently.

7 Prior to awarding a redevelopment agreement, a redevelopment
8 entity must require the redeveloper to which the redevelopment
9 agreement is to be awarded to provide a written certification that it
10 has not made a contribution that would bar the award of a
11 redevelopment agreement pursuant to the bill. A redeveloper will
12 have a continuing duty to report to the Election Law Enforcement
13 Commission any contribution that constitutes a violation of the bill
14 that is made during the duration of a redevelopment agreement.

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

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

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

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

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

S771 WEINBERG

15

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

4 The bill would provide expanded opportunities for public
5 questions and input at planning board and council meetings
6 concerning redevelopment decisions.

7 Finally, the bill would require annual disclosure of certain
8 contributions by redevelopers to the Election Law Enforcement
9 Commission.