

[First Reprint]

ASSEMBLY, No. 4248

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED FEBRUARY 24, 2015

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SYNOPSIS

Permits municipal land banking in conjunction with online property database development.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing and Community Development Committee on March 16, 2015, with amendments.

(Sponsorship Updated As Of: 12/18/2015)

1 AN ACT concerning municipal land banking and online mapping,
2 and amending P.L.1960, c.183 and P.L.1971, c.199, and
3 amending and supplementing P.L.1992, c.79.

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

7
8 1. (New section) Sections 1 through 16 of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be known and may
10 be cited as the “New Jersey Land Bank Law.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. Difficult economic conditions coupled with the continued
14 high rate of foreclosures have significantly increased the number of
15 vacant, abandoned, and other problem properties in the State’s
16 municipalities, particularly its older cities;

17 b. The continued presence and proliferation of these vacant,
18 abandoned, and other problem properties in the communities of this
19 State has a negative effect on the public health and welfare, reduces
20 property values and municipal revenues, and impedes the economic
21 development and revitalization of the State’s municipalities,
22 particularly its older cities;

23 c. At present, many vacant, abandoned and other problem
24 properties, rather than being productively reused, remain vacant
25 despite frequent changes in ownership, and continue to have a
26 blighting effect on their surroundings;

27 d. The State’s municipalities can benefit from more effective
28 tools to control the inventory of vacant, abandoned, and other
29 problem properties, in order to both minimize the harm that they do
30 in their present condition and to facilitate their restoration to
31 productive use;

32 e. In order to most effectively engage the local community in
33 identifying problem properties, the State’s municipalities can also
34 benefit from the publication of interactive online mapping databases
35 of vacant and abandoned properties;

36 f. To ensure that land banking activities are conducted in an
37 honest and open manner, the public can also benefit from the
38 inclusion of properties subject to land banking agreements within
39 the interactive online mapping databases regardless of whether or
40 not such properties are vacant and abandoned; and

41 g. It is, therefore, in the best interest of this State to allow
42 municipalities to designate single entities to act on their behalf to
43 acquire, maintain, and sell, lease and otherwise dispose of vacant,
44 abandoned and problem properties, in order to carry out strategies

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted March 16, 2015.

1 to ensure that the reuse of these properties provides the greatest
2 long-term benefit to the physical, social and economic condition of
3 the municipality.

4
5 3. (New section) As used in ¹sections 3 through 16 of¹ P.L. ,
6 c. (C.) (pending before the Legislature as this bill):

7 “Land bank entity” means a redevelopment entity, or a non-profit
8 entity, that has entered into a land banking agreement.

9 “Land bank property” means property subject to a land banking
10 agreement.

11 “Land banking agreement” means an agreement between a
12 municipality and a land bank ¹entity¹ to act on behalf of the
13 municipality to hold, maintain and sell, lease, or convey property
14 owned by the municipality and not needed for any public purpose.

15 “Redevelopment entity” means either:

16 (1) A redevelopment entity designated by the municipality
17 pursuant to section 4 of the “Local Redevelopment and Housing
18 Law,” P.L.1992, c.79 (C.40A:12A-4);

19 (2) A county improvement authority designated by the
20 municipality to act as a redevelopment entity pursuant to the
21 “county improvement authorities law,” P.L.1960, c.183 (C.40:37A-
22 44 et seq.) for the purpose of entering into a land banking
23 agreement with said entity, without regard to whether the county
24 improvement authority is otherwise acting as a redevelopment
25 entity in the municipality; or

26 (3) The municipality itself, or one of its departments or agencies,
27 but only if the municipality is executing redevelopment
28 responsibilities directly pursuant to section 4 of P.L.1992, c.79
29 (C.40A:12A-4). In such cases, the designated redevelopment entity
30 shall not need to adopt separate ordinances or resolutions, as
31 appropriate, for the purpose of adopting a land banking agreement
32 or amendments pursuant to subsections d. and e. of section 5 of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 and the adoption of one ordinance to create the land banking
35 agreement, and one ordinance for each amendment thereto shall
36 suffice. Termination notice requirements, prescribed by
37 ¹【subsection l. of this】¹ section ¹14 of P.L. , c. (C.)
38 (pending before the Legislature as this bill)¹, also shall not be
39 necessary.

40
41 4. (New section) a. A municipality may enter into a land
42 banking agreement with a redevelopment entity, and designate the
43 redevelopment entity as its land bank entity.

44 b. A municipality may enter into a land banking agreement with
45 a non-profit entity so long as the by-laws of the non-profit entity
46 provide that the chief financial officer of the municipality serves on
47 the board of the non-profit entity, ex officio.

48

1 5. (New section) a. A land banking agreement shall establish
2 the responsibilities of the land bank entity and shall specify the
3 terms and conditions under which the land bank entity may acquire
4 property on behalf of the municipality, demolish and otherwise
5 clear buildings and conduct other site improvements located on the
6 property, maintain and secure the property, conduct other activities
7 on the property, and, notwithstanding the provisions of the “Local
8 Lands and Buildings Law,” P.L.1971, c.199 (C.40A:12-1 et seq.),
9 sell, lease, or convey property held on behalf of the municipality.
10 The land banking agreement also shall provide for such municipal
11 oversight of the land bank entity as the municipality deems
12 necessary and appropriate and shall establish the manner in which
13 any costs and revenues, including proceeds of the sale or leasing of
14 land bank property shall be distributed. The land bank entity shall
15 not lease any land bank property for an individual term of more
16 than 10 years. Land bank property that is sold, leased, or conveyed
17 by a land bank entity, shall be subject to ordinances adopted
18 pursuant to the “Municipal Land Use Law,” P.L.1975, c.291
19 (C.40:55D-1 et seq.), and other applicable State statutes following
20 the sale, lease, or conveyance.

21 b. Prior to submission of the land banking agreement for
22 approval by the municipal governing body, the municipality shall
23 hold a public meeting to solicit the advice of the public on the
24 substance and intent of the land banking agreement.

25 c. The ordinance comprising the land banking agreement shall
26 include findings establishing the need for land bank activity in the
27 municipality, and the qualifications of the land bank entity to carry
28 out the responsibilities established pursuant to P.L. , c. (C.)
29 (pending before the Legislature as this bill).

30 d. The land banking agreement shall be adopted by an
31 ordinance of the governing body of the municipality and by
32 resolution of the governing body of the land bank entity.

33 e. The land banking agreement may be amended at any time by
34 ordinance of the governing body of the municipality and by
35 resolution of the governing body of the land bank entity.

36
37 6. (New section) Pursuant to the land banking agreement or any
38 subsequent amendment thereto, the land bank entity may be
39 designated by the municipality to:

40 ¹[(1)] a.¹ acquire properties on its behalf through contribution,
41 gift, grant, bequest, purchase or otherwise, whether or not the
42 property is located in an area designated as a redevelopment area or
43 an area in need of rehabilitation; and

44 ¹[(2)] b.¹ act as its agent, or in place of its municipal officer,
45 with respect to acquisition of property, including but not limited to
46 purchase of tax and other liens, foreclosure of tax and other liens,
47 and individual abandoned property takings pursuant to paragraph
48 (2) of subsection c. of section 37 of the “New Jersey Urban

1 Redevelopment Act,” P.L.1996, c.62 (C.55:19-56) on behalf of the
2 municipality and to take title to such properties on behalf of the
3 municipality; provided, however, that nothing in this section shall
4 authorize the use of eminent domain beyond that use already
5 permitted by law.

6
7 7. (New section) ¹a.¹ For purposes of this section, a
8 municipality, through the land banking agreement itself, or through
9 the adoption of a separate ordinance, may sell, lease, or convey to
10 the land bank entity, and the land bank entity may take title to, any
11 property or properties held by the municipality and not needed for
12 any public purpose, whether or not the property is located in an area
13 designated as a redevelopment area or an area in need of
14 rehabilitation, without public bidding and at such prices and upon
15 such terms as the municipality deems reasonable. Unless the terms
16 of the land banking agreement provide otherwise, such sales, leases,
17 and conveyances to the land bank entity itself shall be conditioned
18 on the municipality’s ability to regain control of the properties
19 pursuant to subsection c. of section 14 of P.L. , c. (C.)
20 (pending before the Legislature as this bill).

21 ¹b.¹ Through the land banking agreement itself, or through the
22 adoption of a separate ordinance, a municipality may assign any tax
23 liens or other liens to the land bank entity with or without
24 consideration and at such prices and upon such terms as it deems
25 reasonable.

26
27 8. (New section) a. To the extent that the statute under which
28 a redevelopment entity was established, section 4 of P.L.1992, c.79
29 (C.40A:12A-4) or P.L.1960, c.183 (C.40:37A-44 et seq.) in the case
30 of a county improvement authority, confers on that entity the power
31 to borrow funds and incur debt, the redevelopment entity may
32 exercise those powers in furtherance of its land banking obligations
33 subject to the conditions and limitations set forth in section 4 of
34 P.L.1992, c.79 (C.40A:12A-4) or P.L.1960, c.183 (C.40:37A-44 et
35 seq.).

36 b. To the extent that the statute under which the redevelopment
37 entity was established, section 4 of P.L.1992, c.79 (C.40A:12A-4)
38 or P.L.1960, c.183 (C.40:37A-44 et seq.) in the case of a county
39 improvement authority, provides that the municipality may
40 guarantee its debt or other borrowing, the municipality may also
41 guarantee its debt or other borrowing under the same terms and
42 conditions, in furtherance of the entity’s obligations as a land bank
43 entity.

44 c. The guaranteeing of debt and borrowing of funds permitted
45 under subsections a. and b. of this section only shall be permitted so
46 long as the land banking agreement itself also explicitly permits
47 these actions.

1 9. (New section) In selling, leasing, or conveying land bank
2 property, a redevelopment entity shall not be subject to the
3 provisions of section 9 of P.L.1992, c.79 (C.40A:12A-9), but shall
4 be subject to any terms and conditions set forth in the land banking
5 agreement and by the regulations of the redevelopment entity,
6 adopted pursuant to section 10 of P.L. , c. (C.) (pending
7 before the Legislature as this bill).

8
9 10. (New section) Within six months after designation by the
10 municipality, the land bank entity shall adopt written regulations
11 governing the sales, leases, and conveyances of land bank property
12 consistent with any provisions of the land banking agreement and
13 with respect to any other matters that may be required by said
14 agreement, which regulations shall be published on the Internet web
15 sites of the land bank entity and the municipality, along with the
16 ¹an interactive online mapping database required pursuant to
17 subsection c. of section 11 of P.L. , c. (C.) (pending before
18 the Legislature as this bill).

19
20 11. (New section) a. Within six months after designation by the
21 municipality the land bank entity shall create a community advisory
22 board, which shall consist of representatives of recognized
23 community associations and non-profit organizations operating
24 within the municipality, in particular those associations and
25 organizations active in areas where the land bank entity anticipates
26 holding properties.

27 b. The land bank entity shall adopt policies and procedures to
28 ensure that the community advisory board is provided with
29 adequate information and opportunity to provide valued input into
30 the decisions of the land bank entity in its capacity as a land bank
31 entity.

32 c. (1) In coordination with the municipality and the community
33 advisory board, the land bank entity shall ¹itself, or through a
34 third-party contractor, develop and publish an interactive online
35 mapping database of vacant and abandoned properties within the
36 municipality, and ¹, within a reasonable time, create, maintain, and
37 make publicly available on its Internet website, a database listing
38 all¹ current and former land bank properties ¹, each owner of record
39 since each property became a land bank property, and the sales
40 price of each land bank property that has been sold or purchased by
41 the land bank entity.

42 (2) In coordination with the municipality and the community
43 advisory board, the land bank entity is encouraged to incorporate
44 into the online database:

45 (a) a list of all vacant and abandoned properties within the
46 municipality;

1 (b) a mechanism to allow the public to offer suggestions
2 concerning what properties should be labeled as vacant and
3 abandoned; and

4 (c) an interactive mapping component to allow the public to
5 visualize the impact of land banking and the extent of vacant and
6 abandoned properties within the municipality¹.

7 ¹[(2) The database shall be accessible to the public, through the
8 Internet website of the municipality and the land bank entity, and
9 shall allow the public to offer suggestions concerning what
10 properties should be labeled as vacant and abandoned.

11 (3) The database shall label all current and former land bank
12 properties, as well as the current owner and any current tenant of
13 those properties, and each owner and tenant since the property
14 became a land bank property. The database shall list all sales prices
15 and lease prices of all transactions of all current and former land
16 bank properties that have been sold, conveyed, or leased since the
17 property became a land bank property. Transactions that shall be
18 labeled pursuant to this paragraph include transactions between the
19 municipality and the land bank entity itself.

20 (4) ¹d. On an annual basis at minimum, the community
21 advisory board shall report on the accuracy, integrity, accessibility,
22 and comprehensiveness of the ¹[(interactive online mapping)]¹
23 database ¹established pursuant to subsection c. of this section¹.
24 Each annual report shall be accessible to the public through the
25 internet website of the municipality and the land bank entity. ¹The
26 fact that a land bank entity has failed to comply with the database
27 requirement under subsection c. of this section shall be prominently
28 noted in each annual report, but no other penalty shall inure to that
29 failure.¹

30 ¹[(5)] ¹e. The ¹[(form of the database shall be consistent with
31 rules and regulations promulgated by the Director of the)]¹ Division
32 of Local Government Services in the Department of Community
33 Affairs ¹shall, within six months of the effective date of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), publish
35 and disseminate a guidebook of good practice for creating and
36 maintaining databases established pursuant to subsection c. of this
37 section¹.

38
39 12. (New section) The land bank entity shall provide an annual
40 report to the municipal governing body and the public describing
41 the properties being held by it as a land bank entity and the
42 activities that it carried out during the year as a land bank entity.

43
44 13. (New section) The land banking agreement between the
45 municipality and a non-profit entity may provide that properties
46 sold, leased, or conveyed by the municipality to the non-profit
47 entity pursuant to section 7 of P.L. , c. (C.) (pending before

1 the Legislature as this bill), or acquired by the non-profit entity
2 pursuant to section 6 of P.L. , c. (C.) (pending before the
3 Legislature as this bill), are held by the entity on behalf of the
4 municipality for a public purpose and shall be exempt from property
5 taxation until or unless sold, leased, or conveyed by the entity or
6 used by the entity for a purpose that is not eligible for exemption
7 from taxation.

8
9 14. (New section) a. The municipality may terminate the land
10 banking agreement at any time by providing the land bank entity
11 with one year's notice of termination.

12 b. Termination of the land banking agreement shall not affect
13 the status of any transaction properly entered into by the land bank
14 entity prior to termination.

15 c. Within 90 days following the date of termination, the land
16 bank entity shall convey to the municipality all land bank property
17 without consideration; provided, however, that the municipality and
18 the entity may agree to allow the entity to retain title to any
19 properties that are the subject of a pending transaction by the entity
20 until completion of the transaction, and until the end of any lease.

21
22 15. (New section) A land bank entity may act as a land bank
23 entity for more than one municipality at the same time, subject to
24 the provisions of the "Uniform Shared Services and Consolidation
25 Act," P.L.2007, c.63 (C.40A:65-1 et seq.).

26
27 16. (New section) a. A municipal governing body may provide
28 by ordinance that an amount equaling up to 50 percent of property
29 taxes or payments in lieu of taxes collected on land bank properties
30 each year shall be returned to the land bank entity for up to 10 years
31 following a sale or conveyance of those properties from the land
32 bank entity to a private owner. Such ordinance may only be applied
33 to real property on which no property tax has been paid, or payment
34 in lieu of taxes collected, for at least two years prior to the property
35 becoming a land bank property. Such ordinance may be applied to
36 any individual sale or conveyance, any group of sales and
37 conveyances, or all future sales and conveyances that fit these
38 criteria.

39 b. The distribution of any proceeds associated with the sales
40 and leasing of land bank property shall be addressed in the land
41 banking agreement itself and in amendments thereto. Proceeds
42 associated with the sales and leasing of land bank property, and all
43 other proceeds obtained by the land bank entity under the
44 ordinance, shall be maintained in one or more accounts, separate
45 from all other accounts maintained by the entity serving as the land
46 bank entity. The account or accounts shall be deemed to be
47 government records and subject to the provisions of P.L.1963, c.73

1 (C.47:1A-1 et seq.), commonly known as the open public records
2 act.

3 c. As used in this section, “conveyance” shall not be construed
4 to include a lease.

5
6 17. Section 12 of P.L.1960, c.183 (C.40:37A-55) is amended to
7 read as follows:

8 12. Every authority shall be a public body politic and corporate
9 constituting a political subdivision of the State established as an
10 instrumentality exercising public and essential governmental
11 functions to provide for the public convenience, benefit and welfare
12 and shall have perpetual succession and, for the effectuation of its
13 purposes, have the following additional powers:

14 (a) To adopt and have a common seal and to alter the same at
15 pleasure;

16 (b) To sue and be sued;

17 (c) To acquire, hold, use and dispose of its facility charges and
18 other revenues and other moneys;

19 (d) To acquire, rent, hold, use and dispose of other personal
20 property for the purposes of the authority;

21 (e) Subject to the provisions of section 26 of this act, to acquire
22 by purchase, gift, condemnation or otherwise, or lease as lessee,
23 real property and easements or interests therein necessary or useful
24 and convenient for the purposes of the authority, whether subject to
25 mortgages, deeds of trust or other liens or otherwise, and to hold
26 and to use the same, and to dispose of property so acquired no
27 longer necessary for the purposes of the authority; provided that the
28 authority may dispose of such property at any time to any
29 governmental unit or person if the authority shall receive a
30 leasehold interest in the property for such term as the authority
31 deems appropriate to fulfill its purposes;

32 (f) Subject to the provisions of section 13 of this act, to lease to
33 any governmental unit or person, all or any part of any public
34 facility for such consideration and for such period or periods of
35 time and upon such other terms and conditions as it may fix and
36 agree upon;

37 (g) To enter into agreements to lease, as lessee, public facilities
38 for such term and under such conditions as the authority may deem
39 necessary and desirable to fulfill its purposes, and to agree,
40 pursuant thereto, to be unconditionally obligated to make payments
41 for the term of the lease, without set-off or counterclaim, whether or
42 not the public facility is completed, operating or operable, and
43 notwithstanding the destruction of, damage to, or suspension,
44 interruption, interference, reduction or curtailment of the
45 availability or output of the public facility to which the agreement
46 applies;

47 (h) To extend credit or make loans to any governmental unit or
48 person for the planning, design, acquisition, construction, equipping

1 and furnishing of a public facility, upon the terms and conditions
2 that the loans be secured by loan and security agreements,
3 mortgages, leases and other instruments, the payments on which
4 shall be sufficient to pay the principal of and interest on any bonds
5 issued for the purpose by the authority, and upon such other terms
6 and conditions as the authority shall deem reasonable;

7 (i) Subject to the provisions of section 13 of this act, to make
8 agreements of any kind with any governmental unit or person for
9 the use or operation of all or any part of any public facility for such
10 consideration and for such period or periods of time and upon such
11 other terms and conditions as it may fix and agree upon;

12 (j) (1) To borrow money and issue negotiable bonds or notes or
13 other obligations and provide for and secure the payment of any
14 bonds and the rights of the holders thereof, and to purchase, hold
15 and dispose of any bonds;

16 (2) To issue bonds, notes or other obligations to provide funding
17 to a municipality that finances the purchase and installation of
18 renewable energy systems and energy efficiency improvements by
19 property owners as provided in section 2 of P.L.2011, c.187
20 (C.40:56-13.1);

21 (k) To apply for and to accept gifts or grants of real or personal
22 property, money, material, labor or supplies for the purposes of the
23 authority from any governmental unit or person, and to make and
24 perform agreements and contracts and to do any and all things
25 necessary or useful and convenient in connection with the
26 procuring, acceptance or disposition of such gifts or grants;

27 (l) To determine the location, type and character of any public
28 facility and all other matters in connection with all or any part of
29 any public facility which it is authorized to own, construct,
30 establish, effectuate or control;

31 (m) To make and enforce bylaws or rules and regulations for the
32 management and regulation of its business and affairs and for the
33 use, maintenance and operation of any public facility, and to amend
34 the same;

35 (n) To do and perform any acts and things authorized by this act
36 under, through or by means of its own officers, agents and
37 employees, or by contract with any governmental unit or person;

38 (o) To acquire, purchase, construct, lease, operate, maintain and
39 undertake any project and to fix and collect facility charges for the
40 use thereof;

41 (p) To mortgage, pledge or assign or otherwise encumber all or
42 any portion of its revenues and other income, real and personal
43 property, projects and facilities for the purpose of securing its
44 bonds, notes and other obligations or otherwise in furtherance of the
45 purpose of this act;

46 (q) To extend credit or make loans to redevelopers for the
47 planning, designing, acquiring, constructing, reconstructing,

1 improving, equipping and furnishing any redevelopment project or
2 redevelopment work;

3 (r) To conduct examinations and investigations, hear testimony
4 and take proof, under oath at public or private hearings of any
5 material matter, require the attendance of witnesses and the
6 production of books and papers and issue commissions for the
7 examination of witnesses who are out of the State, unable to attend,
8 or excused from attendance;

9 (s) To authorize a committee designated by it consisting of one
10 or more members, or counsel, or any officer or employee to conduct
11 any such investigation or examination, in which case such
12 committee, counsel, officer or employee shall have power to
13 administer oaths, take affidavits and issue subpoenas or
14 commissions;

15 (t) To enter into any and all agreements or contracts, execute any
16 and all instruments, and do and perform any and all acts or things
17 necessary, convenient or desirable for the purposes of the authority
18 or to carry out any power expressly given in this act subject to the
19 "Local Public Contracts Law," P.L.1971, c. 198 (C.40A:11-1 et
20 seq.); **[and]**

21 (u) To pool loans for any local governmental units within the
22 county or any beneficiary county that are refunding bonds and do
23 and perform any and all acts or things necessary, convenient or
24 desirable for the purpose of the authority to achieve more favorable
25 interest rates and terms for those local governmental units ; and

26 (v) To act as and exercise the powers of a land bank entity
27 pursuant to P.L. , c. (C.) (pending before the Legislature as
28 this bill) for any municipality situated within the county pursuant to
29 a land banking agreement approved by an ordinance adopted by the
30 municipal governing body.

31 (cf: P.L.2011, c.187, s.4)

32

33 18. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to
34 read as follows:

35 21. Private sales to certain organizations upon nominal
36 consideration. When the governing body of any county or
37 municipality shall determine that all or any part of a tract of land,
38 with or without improvements, owned by the county or
39 municipality, is not then needed for county or municipal purposes,
40 as the case may be, said governing body, by resolution or
41 ordinance, may authorize a private sale and conveyance of the
42 same, or any part thereof without compliance with any other law
43 governing disposal of lands by counties and municipalities, for a
44 consideration, which may be nominal, and containing a limitation
45 that such lands or buildings shall be used only for the purposes of
46 such organization or association, and to render such services or to
47 provide such facilities as may be agreed upon, and except as
48 provided in subsection (n) of this section not for commercial

1 business, trade or manufacture, and that, unless waived, released,
2 modified, or subordinated pursuant to P.L.1943, c.33 (C.40:60-
3 51.2), if said lands or buildings are not used in accordance with said
4 limitation, title thereto shall revert to the county or municipality
5 without any entry or reentry made thereon on behalf of such county
6 or municipality, to

7 (a) A duly incorporated volunteer fire company or board of fire
8 commissioners or first aid and emergency or volunteer ambulance
9 or rescue squad association of a municipality within the county, in
10 the case of a county, or of the municipality, in the case of a
11 municipality, for the construction thereon of a firehouse or fire
12 school or a first aid and emergency or volunteer ambulance or
13 rescue squad building or for the use of any existing building for any
14 or all of said purposes and any such land or building sold to any
15 duly incorporated volunteer fire company may be leased by such
16 fire company to any volunteer firemen's association for the use
17 thereof for fire school purposes for the benefit of the members of
18 such association, or

19 (b) Any nationally chartered organization or association of
20 veterans of any war, in which the United States has or shall have
21 been engaged, by a conveyance for consideration, a part of which
22 may be an agreement by the organization or association to render
23 service or to provide facilities for the general public of the county
24 or municipality, of a kind which the county or municipality may
25 furnish to its citizens and to the general public, or

26 (c) A duly incorporated nonprofit hospital association for the
27 construction or maintenance thereon of a general hospital, or

28 (d) Any paraplegic veteran, that is to say, any officer, soldier,
29 sailor, marine, nurse or other person, regularly enlisted or inducted,
30 who was or shall have been in the active military or naval forces of
31 the United States in any war in which the United States was
32 engaged, including any member of the American Merchant Marine
33 during World War II who is declared by the United States
34 Department of Defense to be eligible for federal veterans' benefits,
35 and who, at the time he was commissioned, enlisted, inducted,
36 appointed or mustered into such military or naval service, was a
37 resident of and who continues to reside in this State, who is
38 suffering from paraplegia and has permanent paralysis of both legs
39 or the lower parts of the body resulting from injuries sustained
40 through enemy action or accident while in such active military or
41 naval service, for the construction of a home to domicile him, or to
42 any organization or association of veterans, for the construction of a
43 home or homes to domicile paraplegic veterans, with powers to
44 convey said lands and premises to the paraplegic veteran or
45 veterans on whose behalf said organization or association shall
46 acquire title to said land, or

47 (e) Any duly incorporated nonprofit association or any regional
48 commission or authority composed of one or more municipalities or

- 1 one or more counties for the construction or maintenance thereon of
2 an animal shelter, or
- 3 (f) Any duly incorporated nonprofit historical society for the
4 acquisition of publicly owned historic sites for their restoration,
5 preservation, improvement and utilization for the benefit of the
6 general public, or
- 7 (g) Any duly incorporated nonprofit cemetery organization or
8 association serving the residents of the municipality or county, or
- 9 (h) Any duly incorporated nonprofit organization for the
10 principal purpose of the education or treatment of persons afflicted
11 with developmental disabilities including cerebral palsy, or
- 12 (i) Any county or municipal sewerage authority serving the
13 residents of the county or municipality, for the use thereof for
14 sewerage authority purposes, or
- 15 (j) Any duly incorporated nonprofit organization for the purpose
16 of building or rehabilitating residential property for resale. Any
17 profits from the resale of the property shall be applied by the
18 nonprofit organization to the costs of acquiring and rehabilitating
19 other residential property in need of rehabilitation owned by the
20 county or municipality, or
- 21 (k) Any duly incorporated nonprofit organization or association,
22 other than a political, partisan, sectarian, denominational or
23 religious organization or association, which includes among its
24 principal purposes the provision of educational, gardening,
25 recreational, medical or social services to the general public,
26 including residents of the county or municipality, or
- 27 (l) Any duly incorporated nonprofit housing corporation or any
28 limited-dividend housing corporation or housing association
29 organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.) for the
30 purpose of constructing housing for low or moderate income
31 persons or families or handicapped persons, or
- 32 (m) Any duly incorporated nonprofit hospice organization whose
33 principal purpose is to provide hospice services to the terminally ill,
34 or
- 35 (n) Any duly incorporated nonprofit organization or association
36 for the cultivation and sale of fresh fruits and vegetables on a tract
37 of land of less than five acres within a municipality, provided that
38 the nonprofit organization or association is not controlled, directly
39 or indirectly, by any agricultural, commercial, or other business.
40 The nonprofit organization or association shall be authorized to sell
41 fresh fruits and vegetables either on the land that was conveyed, off
42 that land, or both, provided, that the sales are related and incidental
43 to the non-profit purposes of the organization or association and the
44 net proceeds received by the nonprofit organization or association
45 are used to further the non-profit purposes of the organization or
46 association.
- 47 Whenever a sale of property is proposed pursuant to subsection
48 (k), for gardening, or subsection (n) of this section, the county or

1 municipality shall comply with all notice requirements for an
2 application for development under section 7.1 of P.L.1975, c.291
3 (C.40:55D-12).

4 The provisions of this section shall not be deemed to restrict land
5 banking agreements undertaken pursuant to P.L. , c. (C.)
6 (pending before the Legislature as this bill).
7 (cf: P.L.2011, c.171, s.3)

8
9 19. Section 22 of P.L.1992, c.79 (C.40A:12A-22) is amended to
10 read as follows:

11 22. A municipality, county, redevelopment agency, or housing
12 authority is authorized to exercise all those public and essential
13 governmental functions necessary or convenient to effectuate the
14 purposes of this act, including the following powers which shall be
15 in addition to those otherwise granted by this act or by other law:

16 a. To sue and be sued; to have a seal and to alter the same at
17 pleasure; to have perpetual succession; to make and execute
18 contracts and other instruments necessary and convenient to the
19 exercise of the powers of the agency or authority; and to make and
20 from time to time amend and repeal bylaws, rules and regulations,
21 not inconsistent with this act, to carry into effect its powers and
22 purposes.

23 b. Pursuant to an adopted cash management plan, invest any
24 funds held in reserve or sinking funds, or any funds not required for
25 immediate disbursement, in property or securities in which
26 governmental units may legally invest funds subject to their control;
27 to purchase its bonds at a price not more than the principal amount
28 thereof and accrued interest, all bonds so purchased to be cancelled.

29 c. Borrow money and receive grants and loans from any source
30 for the financing of a redevelopment project or housing project.

31 d. Invest in an obligee the right in the event of a default by the
32 agency to foreclose and take possession of the project covered by
33 the mortgage or apply for the appointment of a receiver.

34 e. Invest in a trustee or trustees or holders of bonds the right to
35 enforce the payment of the bonds or any covenant securing or
36 relating to the bonds, which may include the right, in the event of
37 the default, to take possession and use, operate and manage any
38 project or part thereof, and to collect the rents and revenues arising
39 therefrom and to dispose of the moneys in accordance with the
40 agreement of the authority with the trustee.

41 f. Provide for the refunding of any of its bonds, by the issuance
42 of such obligations, in such manner and form, and upon such terms
43 and conditions, as it shall deem in the best interests of the public.

44 g. Consent to the modification of any contract, bond indenture,
45 mortgage or other instrument entered into by it.

46 h. Pay or compromise any claim arising on, or because of any
47 agreement, bond indenture, mortgage or instrument.

- 1 i. Acquire or contract to acquire from any person, firm, or
2 corporation, public or private, by contribution, gift, grant, bequest,
3 devise, purchase, or otherwise, real or personal property or any
4 interest therein, including such property as it may deem necessary
5 or proper, although temporarily not required for such purposes, in a
6 redevelopment area or in any area designated by the governing body
7 as necessary for carrying out the relocation of the residents,
8 industry and commerce displaced from a redevelopment area.
- 9 j. Subordinate, waive, sell, assign or release any right, title,
10 claim, lien or demand however acquired, including any equity or
11 right of redemption, foreclosure, sell or assign any mortgage held
12 by it, or any interest in real or personal property; and purchase at
13 any sale, upon such terms and at such prices as it determines to be
14 reasonable, and to take title to the property, real, personal, or
15 mixed, so acquired and similarly to sell, exchange, assign, convey
16 or otherwise dispose of any property.
- 17 k. Complete, administer, operate, obtain and pay for insurance
18 on, and maintain, renovate, repair, modernize, lease or otherwise
19 deal with any property.
- 20 l. Employ or retain consulting and other attorneys, planners,
21 engineers, architects, managers and financial experts and other
22 employees and agents of a permanent or temporary nature as may
23 be necessary, determine their qualifications, duties and
24 compensation, and delegate to one or more of its agents or
25 employees such powers and duties as it deems proper. For such
26 legal services as may be required, a redevelopment agency or
27 housing authority may call upon the chief law officers of the
28 municipality or county, as the case may be, or may employ its own
29 counsel and legal staff.
- 30 m. Arrange or contract with a public agency, to the extent that it
31 is within the scope of that agency's functions, to cause the services
32 customarily provided by such other agency to be rendered for the
33 benefit of the occupants of any redevelopment area or housing
34 project, and have such other agency provide and maintain parks,
35 recreation centers, schools, sewerage, transportation, water and
36 other municipal facilities adjacent to or in connection with a
37 redevelopment area or project.
- 38 n. Conduct examinations and investigations, hear testimony
39 and take proof, under oath at public or private hearings of any
40 material matter, compel witnesses and the production of books and
41 papers and issue commissions for the examination of witnesses who
42 are out of State, unable to attend, or excused from attendance;
43 authorize a committee designated by it consisting of one or more
44 members, or counsel, or any officer or employee to conduct the
45 examination or investigation, in which case it may authorize in its
46 name the committee, counsel, officer or employee to administer
47 oaths, take affidavits and issue subpoenas or commissions.

- 1 o. Make and enter into all contracts and agreements necessary
2 or incidental to the performance of the duties authorized in this act.
- 3 p. After thorough evaluation and investigation, bring an action
4 on behalf of a tenant to collect or enforce any violation of
5 subsection g. or h. of section 11 of the "Law Against
6 Discrimination," P.L.1945, c.169 (C.10:5-12).
- 7 q. Designate members or employees, who shall be
8 knowledgeable of federal and State discrimination laws, and who
9 shall be available during all normal business hours, to evaluate a
10 complaint made by a tenant pursuant to the "Law Against
11 Discrimination," P.L.1945, c.169 (C.10:5-12).
- 12 r. Act as and exercise the powers of a land bank entity
13 pursuant to P.L. , c. (C.) (pending before the Legislature as
14 this bill) under a land banking agreement approved by an ordinance
15 adopted by the municipal governing body.
16 (cf: P.L.2002, c.82, s.5)
17
- 18 20. This act shall take effect immediately.