ASSEMBLY, No. 2230

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Establishes restrictions and conditions for certain owners of preserved farmland to reacquire development rights for limited area of preserved farmland.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning development easements on preserved farmland and supplementing P.L.1983, c.32 (C.4:1C-11 et seq.).

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

1. a. Notwithstanding the provisions of section 25 of P.L.1983, c.32 (C.4:1C-32), P.L.1999, c.152 (C.13:8C-1 et seq.), P.L.2005, c.314 (C.4:1C-32.1 et seq.), or any other law, rule, or regulation to the contrary, the committee, or a board or a qualifying tax exempt nonprofit organization with the approval of the committee, may sell back to a qualifying landowner the development rights for a limited area of land on a preserved farm that were acquired from the landowner prior to June 30, 1999 in connection with a development easement conveyed to the committee, board, or qualifying tax exempt nonprofit organization pursuant to the provisions of P.L.1983, c.32 (C.4:1C-11 et seq.). The committee, board, or qualifying tax exempt nonprofit organization shall not sell back the development rights to any lands pursuant to this subsection that are in agricultural production at the time of the proposed sale. Land on which development rights are sold back to a qualifying landowner pursuant to this subsection shall be subject to all applicable local land use restrictions and shall be limited to:

(1) non-residential uses; and

(2) no more than 10 percent of the total acreage of the preserved farm.

The price per acre of the development rights to be sold back to a landowner pursuant to this subsection shall be the same as the average price per acre of the development easement for the entire parcel as paid by the committee, board, or qualifying tax exempt nonprofit organization when it acquired the development easement for the entire parcel, plus an administrative fee not to exceed five percent of the sale price and an additional surcharge not to exceed 10 percent of the sale price. The administrative fee shall be used by the committee, board, or qualifying tax exempt nonprofit organization for administrative costs associated with the sale of the development rights or for other farmland preservation purposes.

b. Whenever development rights are sold back to a landowner in accordance with subsection a. of this subsection, a statement containing the terms of the conveyance shall be attached to and recorded with the deed of the land in the same manner as the deed was originally recorded. The landowner shall pay the cost of any professional services, surveys, or fees necessary to obtain and file a corrective deed of easement pursuant to this subsection.

c. This section shall not apply to any farm with a total acreage of less than 100 acres of preserved farmland.

d. For the purposes of this section:

"Qualifying landowner" means an owner of a farm that was preserved for farmland preservation purposes prior to June 30, 1999 pursuant to section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), or section 1 of P.L.1989, c.28 (C.4:1C-38). An approved residual dwelling site opportunity shall not be considered a portion of the farm excluded in the deed of easement from preservation.

"Qualifying tax exempt nonprofit organization" means the same as that term is defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3).

2. This act shall take effect immediately.

STATEMENT

This bill would provide that the State Agriculture Development Committee (SADC), or a county agriculture development board (CADB) or nonprofit land preservation organization, with SADC approval, may sell back to a landowner the development rights for a limited area of land that were acquired from the landowner prior to June 30, 1999 in connection with a development easement conveyed to the SADC, CADB, or nonprofit land preservation organization pursuant to various farmland preservation programs in the State, provided that:

1) the total acreage of land preserved on the farm is not less than 100 acres;

2) the land for which the development rights are sold back is:

a) not in agricultural production;

b) limited to non-residential uses; and

c) not more than 10 percent of the total acreage of preserved farmland on the farm.

June 30, 1999 is the date of enactment of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), which is the implementing law for the constitutional amendment adopted in 1998 that established a stable source of funding for open space, farmland, and historic preservation in the State. Under the bill, the price per acre of the development rights to be sold back to a landowner would be the same as the average price per acre of the development easement for the entire parcel as paid by the SADC, CADB, or nonprofit land preservation organization, as the case may be, when it acquired the development easement for the entire parcel. The landowner would also be required to pay an administrative fee of up to five percent of the sale price, an additional surcharge of up to 10 percent of the sale price, and any other costs or fees incurred in filing a corrective deed of easement.