

**ASSEMBLY CONCURRENT
RESOLUTION No. 150**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Proposes constitutional amendment to restrict use of condemnation power against non-blighted property for private economic development purposes.

CURRENT VERSION OF TEXT

As introduced.



5 **BE IT RESOLVED** *by the General Assembly of the State of New*
6 *Jersey (the Senate concurring):*

11 PROPOSED AMENDMENT

14 1. The clearance, replanning, development or redevelopment of
15 blighted areas shall be a public purpose and public use, for which
16 private property may be taken or acquired; provided, however, that
17 private property that is not itself blighted but is located within a
18 blighted area shall not be taken for the use of, or the transfer to, a
19 private entity for economic development purposes. Municipal,
20 public or private corporations may be authorized by law to
21 undertake such clearance, replanning, development or
22 redevelopment; and improvements made for these purposes and
23 uses, or for any of them, may be exempted from taxation, in whole
24 or in part, for a limited period of time during which the profits of
25 and dividends payable by any private corporation enjoying such tax
26 exemption shall be limited by law. The conditions of use,
27 ownership, management and control of such improvements shall be
28 regulated by law.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

43 There shall be printed on each official ballot to be used at the
44 general election, the following:

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 a legend which shall immediately precede the question, as follows:
2 If you favor the proposition printed below make a cross (X), plus
3 (+), or check (T) in the square opposite the word "Yes." If you are
4 opposed thereto make a cross (X), plus (+) or check (T) in the
5 square opposite the word "No."
6 b. In every municipality the following question:
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	YES	<p>TITLE CONSTITUTIONAL AMENDMENT LIMITING POWER TO CONDEMN NON-BLIGHTED PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES</p> <p>Do you approve amending the Constitution so that the government cannot take property that is not blighted, but located in a blighted area, and transfer it to a private party to be redeveloped?</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This proposed amendment would prohibit the government from taking private property that is not blighted and turning it over to a private company to be redeveloped. This action would be prohibited if the property was in a blighted area.</p> <p>The United States Supreme Court has decided that private property can be taken in order to improve the economic health of a community, except when a state prohibits or limits such actions.</p> <p>A “yes” vote will amend the Constitution so that property that is located in a blighted area but is not itself blighted cannot be taken to be redeveloped by a private party. A “no” vote would leave the situation unchanged.</p>

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10 STATEMENT
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12 This concurrent resolution proposes a constitutional amendment
13 to restrict the use of the condemnation power. Currently, a property
14 that is not in a blighted condition, but is located in a blighted area
15 designated by a municipal governing body to be in need of
16 redevelopment, can be condemned upon the failure of a bona fide
17 attempt to purchase it. Such a property can then be turned over to a
18 private company for that company’s own economic enrichment.

1 The courts have held that economic development is a public use for
2 which the power of condemnation can be used, even when the
3 public benefit is incidental to the private benefit. This proposed
4 amendment would prohibit this use of the condemnation power.
5 When the non-blighted property is to be used by, or transferred to, a
6 private entity for economic development purposes, the
7 condemnation power could not be used and the redeveloper would
8 have to keep attempting to acquire the property through purchase
9 alone, or build around the property.