

SENATE, No. 1403

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator MICHAEL J. DOHERTY
District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Establishes program authorizing lease of historic buildings and structures in State parks, forests, and wildlife management areas.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the lease of certain historic buildings and
2 structures, and supplementing Title 13 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Department” means the Department of Environmental
9 Protection.

10 “Historic building or structure” means any building or structure
11 approved for inclusion, determined to be potentially eligible for
12 inclusion, or which meets the criteria for inclusion, in the New
13 Jersey Register of Historic Places pursuant to P.L.1970, c.268
14 (C.13:1B-15.128 et seq.).

15 “Maintenance work” means the repair, restoration, or
16 rehabilitation of a historic building or structure, and provided that
17 the size of the structure is not increased.

18 “Qualifying tax exempt nonprofit organization” means a
19 nonprofit organization that is exempt from federal taxation pursuant
20 to section 501 (c)(3) of the federal Internal Revenue Code, 26
21 U.S.C. s.501 (c)(3).

22 “Recreation and conservation purposes” means the same as that
23 term is defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-
24 3).

25
26 2. a. (1) The Department of Environmental Protection may
27 offer for lease any historic building or structure located on lands
28 administered by the department and preserved for recreation and
29 conservation purposes.

30 (2) The department shall establish, pursuant to the
31 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
32 seq.), application procedures for potential lessees, which may
33 include but not be limited to: a demonstration of the financial
34 resources to repair and maintain the historic building or structure
35 being leased; procedures concerning rent abatements; requirements
36 for pre-approval of any maintenance work; and any other rules and
37 regulations necessary to ensure the maintenance of historic
38 buildings or structures located on lands administered by the
39 department and preserved for recreation and conservation purposes.

40 b. Any maintenance work performed by or for a lessee on a
41 historic building or structure pursuant to this section shall:

42 (1) be approved by the department, including but not limited to
43 the State Historic Preservation Office, prior to the commencement
44 of the work;

45 (2) be completed in substantial compliance with the
46 requirements of the United States Secretary of the Interior's
47 Standards for Rehabilitation pursuant to section 67.7 of title 36,
48 Code of Federal Regulations; and

1 (3) not be subject to the provisions of P.L.1963, c.150 (C.34:11-
2 56.25 et seq.), unless public moneys are funding the maintenance
3 work.

4 c. The department may provide for the abatement of rent of a
5 lessee who performs maintenance work on a historic building or
6 structure pursuant to this section. A rent abatement shall take into
7 consideration the nature and extent of the maintenance work in
8 contributing to the habitability of the historic building or structure
9 and the value of any capital improvement to the historic building or
10 structure.

11
12 3. a. A qualifying tax exempt nonprofit organization that
13 leases land preserved for recreation and conservation purposes from
14 the department may sublease any historic building or structure
15 located thereon, with the prior approval of the department.

16 b. A qualifying tax exempt nonprofit organization may retain
17 all of the rent proceeds from a sublease pursuant to subsection a. of
18 this section, provided that the rent proceeds are based on fair market
19 value and are used solely for the maintenance and operation of the
20 historic buildings or structures located on the land leased from the
21 department.

22
23 4. This act shall take effect immediately.
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26 STATEMENT

27
28 This bill would establish in statute the authority for the
29 Department of Environmental Protection (DEP) to lease historic
30 buildings and structures located on lands administered by the
31 department for recreation and conservation purposes. The bill
32 directs the DEP to establish application procedures for potential
33 lessees, which may include a demonstration of the financial
34 resources to repair and maintain the historic building or structure
35 being leased, procedures concerning rent abatements, requirements
36 for pre-approval of any maintenance work, and any other rules and
37 regulations necessary to ensure the maintenance of historic
38 buildings or structures located on DEP lands preserved for
39 recreation and conservation purposes.

40 The bill provides that any maintenance work performed by or for
41 a lessee must be approved by the DEP, including but not limited to
42 the State Historic Preservation Office, prior to the commencement
43 of the work, and completed in substantial compliance with the
44 requirements of the United States Secretary of the Interior's
45 Standards for Rehabilitation pursuant to section 67.7 of title 36,
46 Code of Federal Regulations. The bill provides that any
47 maintenance work would not be subject to the provisions of the
48 "New Jersey Prevailing Wage Act," P.L.1963, c.150, unless public

1 moneys are funding the maintenance work. In addition, the rent of
2 a lessee may be abated as a result of the performance of
3 maintenance work on the leased historic building or structure.

4 Lastly, the bill provides that a qualifying tax exempt nonprofit
5 organization that leases land preserved for recreation and
6 conservation purposes from the DEP may sublease any historic
7 building or structure located thereon, with the DEP's prior
8 approval. The bill provides that these nonprofit organizations may
9 retain all of the rent proceeds from a sublease, provided that the rent
10 proceeds are based on fair market value and are used solely for the
11 maintenance and operation of the historic buildings or structures
12 located on the leased land.